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AN
ESSAY
ON
GOVERNMENT.

BY
Mrs. R. F. A. Lee
MRS. R. F. A. LEE.

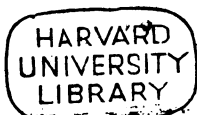
London :

PRINTED FOR THE AUTHOR,
BY T. OILLET, CROWN COURT.

AND SOLD BY JOHN JOSEPH STOCKDALE,
41, Pall-mall.

1809.

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AN
ESSAY ON GOVERNMENT,

HUMBLY DEDICATED TO

THE BRITISH NATION.

In dedicating this Essay to the British Nation, I only give a public proof of those sentiments of attachment to its cause, which have ever animated my heart; sentiments, which, had they not been thus manifested, would still have existed; yet much as I revere the name of a country* that perhaps emerged from the waves, ere Thracia led her steeds to war, or proud Ionia gave

* Albion.

laws to her senate, I would not (were such a condition offered) gain its favour by instilling into the people a narrow-minded policy, or a blind partiality, even to *that* soil which claims so ancient and illustrious an origin : I would not flatter them into a belief that they are the favourites of Heaven, and models of imitation for other nations, unless they were really thus characterized ; I would not suffer them to sacrifice even to PATRIOTISM those sacred principles, which teach them that some of the most renowned among their ancestors had the WORLD for their country,

When we contemplate the deeds of former times, and the monuments on which the exploits of those who now lie in the dust are recorded, we

experience an awful sense of mortality, and the goal, at which all rivalry and enmity must cease, is almost involuntarily brought before our eyes ; but are we, therefore, to be chilled into a state of inactivity ? Is a proper degree of zeal for the interests of humanity, and even for those of our country, to yield to sordid prejudices ? Is the flame of benevolence to be suppressed, because the same final decree awaits all mankind ? or because some of those who are deceased, have been as much entitled to our regard as any living objects that claim our particular attention ? Such principles render *torpid* the best feelings of the heart, they are subversive of every thing great and good, they prevent those exertions in the cause

of public and private happiness, which have a most salutary effect, by reminding men of their *common* origin: it is one of the chief objects of this Essay to oppose them; and to draw a line between the rage of mere factions, and the fervour of that SPIRIT which supported the orient, seat of ALBION, when first she rose refulgent from the seas—the Spirit of LIBERTY.

On opening the pages of History, we are mortified at seeing a series of disputes for territory, for forms of religion, and for systems of government; the nature of reason as well as of laws, sometimes appears to have been forgotten, and the standards of FOLLY and IGNORANCE raised on high to mock their power; ERROR seems to have pervaded, in

a triumphant manner, every corner of the globe, and with impious malice, like the vapour which obscures the splendour of the sun, to have opposed the light of TRUTH: yet the above mortifying facts do not prove the weakness of one nation; more than of another: some defects, perhaps, in the systems attached to all, may have contributed to the miseries of which each has complained.

After the destruction of cities and their inhabitants, the laws of the Universe are still the same; the heavenly orbs still continue their accustomed course through immensity: whether millions spring into existence, or are mingled with the dust, the harmony of Nature is unaltered; though stupendous moun-

tains rise from the deep, though whole nations are swallowed up in the earth, nay, even though rivers alter their courses, yet the laws of the SUPREME BEING are still unchanged—What is their chief characteristic? *A tendency to the ends for which they were framed*; and this, my countrymen, ought to be the invariable characteristic of all human laws. It was partly to enforce this principle that I published the **Essay** which is now humbly offered at the respective shrines of Patriotism and Philanthropy, to the **BRITISH NATION.**

PHILOPATRIA.

Clarges-street,
March 10, 1809.

PREFACE.

It would indeed have been productive of exquisite and unallayed satisfaction, could I with truth have affirmed that *one principle alone*, the Love of my Country, had given rise to this Essay; but as the metal mingled with pure gold* may

* I chose this metaphor, because gold is the purest and most precious substance on earth, and it is *intrinsically* valuable, considered in a scientific point of view; it has been employed in metaphysical comparisons, not only by the eastern nations, but also by modern writers of eminence, and though we justly admire ingenious workmanship in any other metal, and particularly in iron, which for its strength and durability has been celebrated even by elegant poets, yet if there were a sufficient quantity of gold to enable us to build with it, there are, I believe, few who would not naturally prefer it, when it could possibly be substituted for iron.

Gold does not lose its *intrinsic* value, in a philosophic point of view, merely because it has undermined the integrity of women, the honour of men, destroyed

deadened its lustre, though it cannot lessen its value (which would be ascertained were it detached), so the purity of that motive, which has chiefly influenced me in presenting these pages to the public, cannot in reality be sullied by the one to which adventitious circumstances have given rise.

To an enlightened nation, commonplace moral reflections can perhaps be of little use; yet, when they tend to illustrate a simple truth, which the indulgence of my readers will, I doubt not, render important, they may be risked, almost without an apology.

I therefore beg further to enforce, that the constitution of human things, for wise though hidden reasons, is such, that we

tenderness for offspring, and gratitude towards friends; for silver, copper, and any kind of exchange, has done the work.

can seldom, wholly and completely, enjoy the consciousness of a pure unmixed motive, either with reference to public or private actions: some principle of an inferior kind, though it may not be vile or ignoble, mingles itself with those divine incentives, which, were *our state of existence* different, would entirely animate us.

I will venture to apply the above reflections to the present occasion: I sincerely believe, and may with truth assert, that the good of my fellow creatures was my chief object, when I began to prepare a political work for the press; yet the wish to explain my politics, which had not, I apprehended, been perfectly understood, also influenced me; this *private* motive, however, will, I trust, on common principles of equity, be deemed perfectly justifiable in itself, and even connected with the public one that swayed my

mind ; but important as the vindication of myself on the point in question might be to my own happiness, I endeavoured to avoid employing any means of which I might afterwards disapprove, (I do not advert to the transient apprehensions to which temporary disappointment might give rise, but to rational and well-grounded objections.) *I endeavoured to avoid the appearance of a dictatorial style, and have ventured also to give my opinions without reference to any particular principles, or set of men that might at the moment be most fashionable; indeed, I did not inquire concerning them, but merely investigated the subjects of the Essay in an unbiassed and philosophical manner: consequently I risked losing one of the objects for which I have avowed that I write; but if I have erred, I place my fate in the hands of a nation, which I am confi-*

dent will pass a lenient judgment in consideration of the circumstances which have been, and will be, submitted to their attention.

The Work was at first written in the form of a discourse or treatise, and gradually enlarged, but not divided into chapters, or systematically arranged, till the latter end of the year 1807. It had been in contemplation, though in a vague form, from an early period of life, and originally intended to be presented to my country; but had not circumstances of an extraordinary nature urged me to publish sooner than I intended, it would not perhaps have appeared for some years, even from this period; and it would then have been offered to the public in a much more voluminous form than that in which it now appears, and probably not with the same title, be-

cause my views were far more comprehensive than they seem to be in this work : These are truths ; and were they not so. I should be restrained by a more sacred principle than the fear of human censure, from mentioning them as such : from their singularity, they may deserve the attention of my readers.

When I first resolved to publish a political Essay, I had in view Beccaria's " Essay on Crimes and Punishments ;" but I was of course under the necessity of enlarging on some subjects on which he has but slightly touched, and of introducing others wholly unnoticed by him : I also disregarded several which did not appear to be of much importance ; in short, though a similitude in our principles may often be discovered, yet little more than the form of his essay above-

mentioned (i. e. a simple division into chapters) exists.

I think it necessary* to observe, that the Essay was seen, with my knowledge, will, or concurrence, only by a few (two or three) persons, before publication. It was nearly finished and sent to a lawyer and friend for inspection in January (1806), but some chapters were added, and several alterations afterwards made by myself.†

I have thought proper to subjoin two

* *The peculiarity of my situation for many years passed, renders this assertion necessary for my own satisfaction, and I doubt not that my readers will wholly exonerate me from the charge of presumption.*

† For the same reason which I have given in the above note, I also beg to inform my readers, that merely queries were made to a few passages in the MS. sent at the period above-mentioned; none were absolutely and positively opposed: that it was finally, and in a general manner approved, I can scarcely doubt, from the testimony even of strangers, on whom I had no other claims than those which their candid and unbiassed judgment might give me.

dates ; the former has a reference to the time when the MS. was first intended for publication ;* the latter to the time when this Edition will probably be published.

PHILOPATRIA.

Clarges-street,

January 5, 1808.

March 16, 1809.

* Some extraordinary circumstances *delayed* the publication, and prevented me from attending to the revision, &c. of the MS., and I now lament that I have not been able to bestow that degree of care and attention on it, which would perhaps be necessary in order to render it a worthy offering to the nation to which it is dedicated.

INTRODUCTION.

WHILE the nations of the earth are engaged in plans, either offensive or defensive, for the preservation of their territories, while monarchs are employed in maintaining their power, and the people, in struggling for their liberty; it may perhaps relieve our minds from the painful and mortifying reflections to which such objects must often necessarily give rise, to behold the world as one large state, divided by adventitious interests, and governed by various laws, yet subjected in reality to the same principles, and tending to the same end. In taking this view, we are compelled to consider politics more with respect to their general, than their particular effects; to apply them to *the world*,

rather than to any, even our own, country (in an exclusive manner), and to divest ourselves of all prejudice and partiality, either with respect to governments or individuals.

Such are the chief objects of this Essay; and though I have adverted to the history and laws of Great Britain, yet the principles which I have throughout endeavoured to establish, are general ones, and may be applied to one nation as well as to another.

I have thought it necessary to lay a particular stress on Sir William Blackstone's authority, whose opinions, after having made proper allowances for the nature of the subject on which he wrote, and his situation as a lawyer,* may almost

* Whenever Sir William Blackstone seems to depart in the smallest degree from that liberality which generally characterizes his sentiments, these considerations ought to influence us.

be considered as standards of judgment with respect to the points under discussion.

As the genius of this great man may not perhaps be perfectly understood by all my readers, I will avail myself of that liberality which I doubt not I shall experience throughout my work, to expatiate a little on the nature and real intent of his writings.

After a philosophical definition of the word Law, considered as applied merely to the universe, he divides laws in general into three kinds: viz. The Law of Nature, the Revealed Law, and the Law of Nations. It is singular that he does not mention the *Moral Law*, but seems to blend it entirely with the Law of Nature; which must be evident to the mind of every impartial student, on perusing the following passages. "This will of his (of Man's)

Maker is called the Law of Nature; for, as God, when he created matter, and endued it with a principle of mobility, established certain rules for the perpetual direction of that motion; so when he created man, and endued him with free will to conduct himself in all parts of life, he laid down certain *immutable laws of human nature, whereby that free will is in some degree regulated and restrained, and gave him also the faculty of reason, to discover the purport of those laws.*" (Blackstone's Commentaries, section the second, page 39.)

"Considering the Creator only as a being of infinite power, he was able unquestionably to have prescribed whatever laws he pleased to his creature Man; however unjust or severe; but as he is also a being of infinite wisdom, he has laid down only such laws as were founded in those relations of justice, that existed in the nature of

things, antecedent to any positive precept; these are the eternal immutable laws of good and evil,* to which the Creator himself, in all his dispensations, conforms; and which he has enabled human reason to discover, as far as they are necessary for the conduct of human actions: such, among others, are these principles; that we should live honestly, should hurt nobody, and should render to every one his due; to which three general precepts Justinian has reduced the whole doctrine of law."

"As, therefore, the Creator is a being not only of infinite power and wisdom, but also of infinite goodness, he has been pleased so to contrive the constitution and frame of humanity, that we should want no other prompter to inquire after and pursue the rule of right, but our own self-love, that

* I particularly call the attention of my readers to the principles here laid down.

universal principle of action ; for he has so intimately connected, so inseparably interwoven, the laws of eternal justice with the happiness of each individual, that the latter cannot be attained but by observing the former ; and if the former be punctually obeyed, it cannot but induce the latter : *in consequence of which mutual connection of justice and human felicity, he has not perplexed the Law of Nature with a multitude of abstracted rules and precepts, referring merely to the fitness or unfitness of things, as some have vainly surmised ; but has graciously reduced the rule of obedience to this one paternal precept, ' That Man should pursue his own happiness.' This is the foundation of what we call ethics,* or natural law ; for the several articles into which it is branched in our systems, amount to no more*

* This term has generally been supposed to denote *morals*.

than demonstrating, that this or that action tends to man's real happiness, and therefore very justly concluding, that the performance of it is *a part of the Law of Nature*; or, on the other hand, that this or that action is destructive of man's real happiness, and therefore that the *Law of Nature forbids it*."

"This Law of Nature, being coeval with mankind, and dictated by God himself, is of course *superior in obligation to any other*. It is *binding over all the globe, in all countries, and at all times*: No human laws are of any validity, if contrary to this; and such of them as are valid derive all their force, and all their authority, mediately, or immediately, from this original." (Pages 40 and 41.)

In all the above passages (which, in order to prevent confusion and misunderstanding with respect to the arguments that follow, I have been obliged to extract

at large), the *genius* of the writer has full scope, and ranges uncontroled through the mazes of a luxuriant imagination, guided however by a just discernment, and by principles founded in truth and experience: the passages which I shall now offer to the attention of my readers do not appear to be marked with those characteristics of irresistible force and consistency, which are attached to the former ones.

The learned author still persists that it is the "office" of "Reason" to discover what "the Law of Nature" directs in every circumstance of life; but implies that "Divine Providence, in compassion to the frailty, the imperfection, and the blindness of human reason" after the "transgression" of "our first ancestor", hath been pleased *at sundry times and in divers manners*,* to discover and enforce its

* Hebrews, Chap. i. v. 1.

laws by an immediate and direct revelation :” the doctrines* thus delivered “ constitute” the revealed or *divine* law.

“ These precepts† when *revealed*, are found, upon comparison, to be really a *part* of the original *Law of Nature*,‡ as they tend

* The language, as well as “ doctrines” of some of the writers here alluded to, seem to imply the kind of revelation to which Sir William Blackstone alludes ; but changes, interpolations, different translations, &c., have produced a great diversity of opinions, with respect to that book to which we are referred for the “ revealed law ;” and it would be improper to enter even into the most brief discussion of the subject, in an introduction to a work of this kind.

† It is worthy of observation, that he uses the terms “ doctrines” and “ precepts,” as if he considered them as synonymous with respect to his subject. (Vide page 42.)

‡ Revelation has certainly been considered as part of the original Law of Nature, or rather as the restorer of that law, from which Adam by his transgression, was disinherited. This reunion with the Supreme Being, is the chief end of all religions. The original law cannot be *lost* : it is only checked or hidden amidst errors and human frailties ; but all those arguments cannot be reconciled with Sir William Blackstone’s premises. This last application of the Law of Nature deserves particular notice.

in all their consequences to man's felicity :” yet we are forbidden “ to conclude, that the knowledge of these truths* is attainable by *Reason* in its present corrupted state, since we find, that unless they were revealed they were hid from the wisdom of ages :” “ *the original Law of Nature*” cannot by this argument, be supposed without a palpable contradiction, to refer *merely* to the state of man before the Fall ; because Sir William Blackstone has declared “ the Law of Nature” to be “ *coeval* with mankind, and dictated by God himself ;” yet “ *binding over all the globe, in all countries, and at all times.*” He has also referred us to “ *eternal, immutable laws* of good and evil, to which the Creator himself, in all his dispensations, conforms ;

* Here “ truths” appear to be used in the same sense.

and which he has enabled human reason to discover;" (page 40), and again emphatically maintains, in page 42, that, "as the moral precepts* of this law, are indeed of the same original with those of the Law of Nature, so their intrinsic obligation is of equal strength and perpetuity." Yet he cautions us against the conclusion, that, "the knowledge of these truths is attainable by reason, in its present corrupted state."

It matters little with respect to the propriety of the argument, whether we suppose that they *are*, or that they are *not*, attainable by reason; if they *are*, the final conclusion is false; if they are *not*, though the impotency of reason on some occasions may be proved by the argument, its weakness, with respect to the point under discussion, remains still to be proved; it may

* Vide the preceding page of the Introduction, with which this passage is evidently connected.

be admitted, but not on the principles here laid down.

That divine truths may be hidden from those who are wise in human knowledge—that *the original Law of Nature* refers to the state of Man before the Fall—that *after the Fall*, his reason became too *corrupted* and clouded, to enable him to discover divine truths: that a revelation was therefore absolutely necessary, for he had no guide within himself—that the Creator could not have laid down any *immutable* laws, which would be sufficient to direct Man *over all the globe, in all countries, and at all times*; because, had he done so, the necessity of any other revelation of his will would have been obviated.—The above, or similar positions, have been maintained with much spirit, and a great degree of consistency, with respect to the argument they tend to illustrate, by some

eminent theological writers ; but they do not appear to be supported, even on probable grounds, by Sir William Blackstone.

“ The Revealed Law ” is, in the same page (page 42), called by Sir William Blackstone, “ *the Law of Nature*, expressly declared so to be by God himself.” The moral system, which is framed by ethical writers, and *denominated* the “ Law of Nature,” is only what, by the *assistance* of *Human Reason*, we *imagine* to be that law, *i. e.* (the Law of Nature) ; how can *Reason*, which it appears by the argument was coeval with the “ *eternal immutable laws of good and evil*,” created by God, so deceive as to make us *imagine*, that to be the Law of Nature which is not so ? The office of Reason is here represented, not only as useless, but as tending to mislead us concerning the discovery of the “ Law of Nature ;” that law which is “ coeval with mankind,” is here affirmed to be

afterwards revealed; for "the revealed law" is only the Law of Nature, "expressly declared so to be by God himself."

"Human reason," given to discover "the *immutable* laws of good and evil," is therefore cheated by a mere chimera. I humbly submit it to my readers, whether the argument would not have been more clear, had the efficacy of human reason, after the "transgression" of our "first ancestor" been wholly denied? Folly, madness, and ignorance, may mislead to the degree which has been implied: but surely we never can, with "the *assistance* of human *reason*" be so deluded; on the contrary, we call every absurd hypothesis and false conclusion *irrational*, i. e. opposite to the dictates of reason.

"The Law of Nations,"* the "third

* The municipal or civil law appears to be entirely included in the law of nations.

kind of law," is declared by Sir William Blackstone, "to depend entirely upon the rules of *natural law*, or upon mutual compacts, treaties, leagues, and agreements, between those several communities (*i. e.* nations), in the construction also of which compacts, we have no other rule to resort to but *the Law of Nature*."

It is much to be lamented, for the sake of logical precision, that the three laws on which Sir William Blackstone has founded all religious, moral, and political obligations, have not been more accurately defined and explained: it appears on the principles which he has laid down, that "the revealed law" is in reality a mere *manifestation* of "the Law of Nature;" and "that the Law of Nations" is *another manifestation of the same law*, since we must resort to it in order to form compacts, treaties, &c. We find three laws in one law:

would it not have been more simple to have declared that there exists in reality only one law (the Law of Nature) which is "coeval with mankind, and dictated by God himself, &c.;" but that from this original law, other laws, which owe their existence to the weakness and imperfections of mankind, have emanated? such are the revelations* made to the human mind at different periods since the creation, and the codes, religious, moral, and political, of good men and wise legislators, which are excellent in proportion as they bear a resemblance to their divine and eternal archetype?

* Plato, among other sublime writers on Theology, supposed that all knowledge was by inspiration. Socrates was nearly of the same opinion; man being the image of God, is supposed to receive truths by divine reflections. The Chaldeans, who perhaps learnt Theology from Abraham, appear, from various mystical ceremonies, to have been impressed with this idea.

If "divine precepts," when "*revealed*," are *really a part of the original Law of Nature*, they must be attainable by reason; for the learned author expressly declares that "when he (God) created Man, he laid down certain *immutable* laws of human nature, and gave him (Man) the faculty of reason, to discover the purport of those laws."

The contradictions, however, abovementioned only prove, that even the wisest men, when they venture to depart from a true position previously laid down, in order, for any purpose whatever, to establish one which may directly militate against it, get entangled in difficulties, from which neither their *reason* nor their learning can always extricate them.

The above cause may, perhaps, account for other casual incongruities in the work in question, but cannot make any candid

mind insensible to the propriety and justness of the author's general remarks. Those who will give themselves the trouble to examine very minutely the principles contained in his Commentaries, will find that he always leans to the liberal side of the question, though (in common with men of acknowledged liberality of thinking, who have written on the same subject) he has often been obliged to confine himself merely to *the language of the law*, as applicable to *the laws of England*, the avowed, and almost exclusive theme of his work. Had the political institutions of any other country (though, perhaps, not all infallible in their nature) occupied his attention, the same degree of punctuality would probably have been evinced by a man, who well knew how to distinguish a mere exposition of facts, both from his own private opinions concerning them, and from

generally received notions. When this admired writer enters on the subject of the laws of England, and assumes the character merely of an English lawyer, he purposely changes his style; and, in future, rather makes general comments on the *civil origin* and *power* of the thing under consideration, than any particular remarks on its *real nature*, or *intrinsic excellence* :* here we perceive the learning and judgment of an historian and a politician; there the simplicity and zeal of a philosopher and a man. He appears, however, to be sometimes a little satirical, and, like Bishop Warburton, to leave us in doubt what are the real ends of his arguments.

Having mentioned Warburton, it is but just to observe, that he may be ranked

* He makes political, and sometimes (when he can venture to do so) even philosophical, comments on the subject of his investigation, but he *confines* himself to the subject.

among the first polemic writers that any age or country ever produced. The works of *some* theologians have, it can scarcely be denied, only tended to fetter the mind, to increase prejudices, and prolong errors from age to age; but Warburton, while he avoids the language of ribaldry and profaneness, so blends religion with good sense, and morality with classical learning, that the sensible divine is edified, and the man of the world entertained, with his writings. From his extensive knowledge, and the various powers of his understanding, he may sometimes appear to contradict himself; but, perhaps, if his spirit could be now questioned, every apparent paradox would be reconciled to our minds.

I have particularly adverted to Blackstone and Warburton, because they are the chief supporters of those principles which I have ventured to lay down, relative to

the *sovereignty* ; and having throughout the Essay, as must be evident, avoided quotations,* I considered it as rather a remarkable circumstance, that a British judge, and a British divine, should have so greatly assisted me, when I most wanted their liberal aid for the illustration of my subject.

Machiavel's question, " Whether after the people have become corrupt, a free government can be maintained if they enjoy it, or established if they do not enjoy it ?" appeared to be so intimately con-

* A principle may not be the less true, because an *authority* is not quoted ; yet it is certainly satisfactory both to an author and a reader, to see that a writer of acknowledged learning and judgment approves of the arguments which are advanced. The character of truth is *uniform*. If the nature of man, or experience, militate against an assertion, arguments in its favour may demonstrate genius and ability, but can never make it *true* : for this reason *authorities* are in reality subordinate, and very inferior to *principles*.

connected with the subject of chap. vii. that I introduced it, without considering, or even thinking it worth while, at the moment, to ascertain whether Machiavel* was really a republican, or a favourer of tyranny; appellations which, it is well known, have been given to him by his various commentators: I have somewhere hinted, that when principles bear the characteristics of truth, (and I might also add, when questions appear to be important,) we may quote them without giving rise to an inference that we adopt all the opinions of the author.

“The Law of Nations,” called by Sir William Blackstone “the third kind of Law,” is the theme of my work; and

* I was *indignant*, many years ago, when I first perused this author’s works, or rather parts of them (for I never went regularly through them); but I made large extracts, according to my usual custom from an early age, to endeavour, if possible, to *confute* the reasoning.

should any principles which I have supported tend to remove prejudices, to excite patriotism, and to promote a spirit of political inquiry among all classes of society, I shall rejoice in having been instrumental in the attainment of an object which appears to be intimately connected with the good and happiness of my fellow-creatures.

PHILOPATRIA.*

Clarges-street,
January 5th, 1808.
March 10th, 1809.

* The subject of the following *Essay*, and the chief motives which induced me to dedicate it to the British nation, gave rise to the national name which I have adopted; but, with the sanction of several friends, I now subjoin the one which I have borne during the last fourteen years.

R. F. A. LEE.

For the reason mentioned in two notes at the conclusion of the Preface, I think it necessary to add, that the name above given is not printed as a cover to any other; it is that of the same person who has spoken in the Dedication, Preface, Introduction; and Essay; most sincerely do I lament that I should be obliged to obtrude such minute circumstances on my readers!

. It would appear pedantic were I to explain the reasons why I have not altered a single letter in the name *Philopatria*, since it was first printed : some of my readers will no doubt discover these reasons, and consider them as perfectly justifiable.

AN
ESSAY
ON
GOVERNMENT.

CHAP. I.

OF THE NATURE OF GOVERNMENT.

GOVERNMENTS may, perhaps, not unaptly, be compared to bodies which have certain invariable properties attached to them, notwithstanding the perpetual changes of their constituent particles: the forms of governments vary; their primary principles remain the same; I shall endeavour to investigate those principles.

One man can possess power* over another only by two means: by a superiority of corporal strength; or by contract. The former kind of power is *absolute*, and pervades *all bodies* in pro-

* Supernatural agency is here out of the question; I advert merely to the simple origin of civil institutions.

portion as the *strength* of one is greater than that of another: the latter is merely *conditional*.

Power, by a superiority of corporal strength, exists, when a man overcomes by mere force of arms, or when his antagonist yields from a conviction of the inutility of resistance, but without any *conditions*, since this act is the effect of *necessity*: his *will* has not been subjugated: he is, in an abstracted sense, as free as before: had the force employed against him been inferior to his own, he would have remained sole possessor of himself: no contract therefore can in this case exist. The above argument may be applied to armies, or any *collective* force; nay, even conduct and stratagem* are not exempt from the rule: for suppose an inferior gain the advantage over a superior power, yet it is evident that the force of the latter must in reality be diminished at the moment of the defeat, otherwise, supposing no contract to exist between the parties (which is here implied to be the case) it would *necessarily* be victorious.

A superiority of corporal strength, whether considered *individually* or *collectively*, does not al-

* *Stratagems* of war generally imply inferiority of forces: when a superior employs them, with respect to an inferior power, they may degenerate into baseness and cowardice, but with certain restrictions they are allowable. (Vide a note Chap. XV.)

ways depend on magnitude, or on numbers; this is admirably proved in the first instance, by that most extraordinary kind of lever the human arm, the strength of which it is well known, does not always depend on its *bulk*; and in the second instance, by the immense and various powers which act against a common lever. We cannot, therefore, measure the degree of power which exists, by the *number of arms*, in any *collective force*.

The power acquired by a superiority of merely *corporal strength*, is perhaps most prevalent in an uncivilized state of society; though I shall endeavour to prove, that the power obtained by *contract* may, to a certain degree, exist, even among the most savage tribes.

A contract, in its most simple form, includes a *conditional* superiority of corporal strength on one side, or a *conditional* equality of the same strength on the other; the former condition of the contract exists when a weapon is *given up* to be employed for the protection of the person who bestows, and the person who receives it; or when arms of any kind are intrusted to a certain number of persons, to be used for the benefit of those left behind; or in similar cases: the latter condition takes place, when a man presents his companion with any means of defence equal to those which he *possesses*, to be exerted, for mutual pro-

tection ; or when weapons of equal strength with others, are presented for any particular purpose to a body of men.

Contracts are made either by word or by writing : The first rude steps towards the establishment of commerce, include the former : a simple exchange is founded on a verbal contract. A man in a dreary uninhabited spot, far from human culture, will be urged by mere hunger to seize on the food of the first person he happens to meet ; but if he be not immersed in absolute barbarism, he will be led to offer some equivalent either in clothes, instruments of war, or any thing which he may at the moment possess, to the man who happens to pass by with provisions ; or he will endeavour, by an *agreement* or *bargain*, to obtain the object of his wishes ; he will promise the man a compensation for the sacrifice he is about to make ; he will, if possible, appoint a place to meet, and offer him some service in return for that which he receives.* This appears to be the most simple kind of contract that can exist : a *contract for the mere necessities of life*, on which, however, the primary and simple laws of trade are founded.

* If the stranger refuse any compensation, then the ideas (though perhaps vague) of a *benefit*, *obligation*, *gratitude*, and *friendship*, are excited in the mind of the savage.

Cession of territory may be made either by a verbal or a written contract, according to the degree of civilization which exists among the possessors of the soil, and those to whom they give up any part of their territory.

The contract on which all *political institutions* are founded, is more complicated ; it is of the same nature as that which leads one human being to submit to the *opinion* of another : even the *power* obtained by a *superiority of talents*, cannot exist without a *contract*, though of an abstract kind. A legislator can only *offer*, he cannot *force* the people to *accept*, laws ; but if characteristics of excellence, truth, and equity pervade them, the people may be induced voluntarily to submit, and in so doing they form a contract : *i. e.* they promise obedience, on condition that they should enjoy the advantages which must ever be connected with just and salutary laws.*

There is a natural and an abstract principle attached to every human action ; a strong man is not impelled by the former to yield to a weaker.

* The same argument may be applied to every part of human knowledge ; we do not accede to principles without investigating them : the very suspension of our judgment, and the assent which may afterwards take place, form a kind of contract, though (as I have observed in the Chapter) of an abstract kind.

There must be a *motive* (i. e. an abstract principle) for such a concession; this motive gives rise to an agreement between the parties: the individual, who surrenders up any portion of his natural rights, expects some equivalent for so great a sacrifice; a *contract*, therefore, necessarily arises between the person who makes, and the person who receives the sacred deposit; but when the contract is concluded, the former may, if the conditions of it be violated, claim his rights again, since they were only surrendered up on those conditions.

The difference between *natural* and *acquired* rights consists in the following circumstance; that mankind cannot wholly and entirely part with the former; they may always redeem them, because they were brought with them into the world; they are *absolute* possessions, and can only be made *conditional* by their will; but the latter they may dispose of, without having it in their power to regain them, because they are *adventitious possessions*, and may *literally* be transferred from one to another, and made the sole and entire property of one as well as of another: but if a man cannot wholly and entirely part with his own natural rights, much less can another dispose of them for him: and if the latter act be forbidden by the laws of reason and nature,

after his birth, in how much greater a degree must the prohibition exist *before* his birth? his *assent* to this act is necessary; but if one man cannot dispose of the natural rights of another, either *before* or *after* his birth, much less can he deprive whole generations as yet unborn of their natural rights.* On the above principles the freedom of the people is founded, and they lead us to the establishment of *national contracts*, which give rise to governments of various kinds, according to the genius, dispositions, and general characteristics of different nations.

In a state there are in reality but two powers, which by contract are blended into one; the power that constitutes authority, and the power thus constituted. A commonwealth is both active and passive: active when putting its laws in execution; passive when obeying them; the power of a legal government, and the power of the people are in reality almost synonymous terms; and the former can be legally attacked only when it is subversive of the ends of its formation.

A general depository of rights, made by the members of the commonwealth, is founded on the following principle; *the difference of wills*; to which the increase of numbers on the earth partly gave rise. Laws have the same origin; different *wills*

* The child of a slave, therefore, is free.

cannot all be gratified, therefore they are united for the public good. Two individuals who give up their particular wills, are not enslaved to each other; they make a public deposite of them for their mutual benefit, and to prevent the violence of either party: the more united the wills of the people are, the more perfect and legal is a government, and the less necessary are arbitrary measures: but the more numerous the people are, the more difficult will it of course be to unite their wills.

Various wills, by being united, give rise to governments, and validity to laws. *A particular will cannot, by a mere mandate, direct the general will; neither can the general will, by the same means, operate on an individual with respect to his person or possessions; he must be attacked through the medium of the laws; hence the beautiful harmony visible in a commonwealth, supported by laws approved by the people, and administered by chosen men: each member is to a certain degree directed by all the members of the commonwealth; and the whole body is in reality, though in a limited degree, influenced by each member, since it is composed of individuals.* The most rational and binding quality attached to the contract here implied, is that it is necessary, and conducive to

those purposes which could not be effected without its existence; the members being attached, require the forces of the whole body to assist them; and the whole body being attached, requires the support of its members; herein chiefly consists national liberty. Each individual has a *particular*, and a *general* will; the former exists wholly and *per se*; and it is attached to a person independent of all civil institutions; the latter only exists in a *relative* sense, with reference to the character of *member of a commonwealth*; so that in fact no individual in a civilized country can be wholly independent of any other individual, or of the commonwealth. Hence arises another equilibrium in a state; a magistrate cannot alone, or according merely to his own pleasure, make laws; neither can the people legally refuse to *obey*, though they may *disapprove of*, and *oppose*, those already made, unless repealed by mutual consent.

Power, not balanced by liberty, must of course degenerate into *tyranny*; and liberty, without laws, must in a large community produce anarchy.

It is evident that a nation is larger or smaller according to the *number* of individuals that compose it; individuals, therefore, are of consequence merely on that ground; but when we reverse the argument, and consider what important events

have sometimes owed their origin to a *few* individuals, their political consequence is greatly increased: it must further be considered, that the laws which are connected with the whole body of the people, are nevertheless administered, only by a few.

It is against the spirit of virtue, against the testimonies of history and experience, in short, against common sense, to lose a proper regard for the members of a state, in our love for the nation at large.

CHAP. II.

OF THE FREEDOM OF THE PRESS, WITH RESPECT
TO POLITICAL INQUIRIES.

THE sovereignty of a nation contains the legislative, judiciary, and executive powers ; none of which, it is evident, can be reposed in *the bulk of the people* ; neither can every political measure be systematically explained to *each member* of a large community ; it follows, therefore, that *ar-cana imperii* must, to a certain extent, exist in all governments : but with this proviso, that they might be inquired into without a discovery that they tend to subvert the principles on which every legal government is founded, and which I have endeavoured in the preceding chapter to explain :

Can it be expected that men will be faithful to a compact, the nature of which they do not understand ? Can they be supposed to surrender up *willingly* a portion of their liberty (their common birth-right), unless they see the necessity, for

civil purposes, of so doing ? Forced obedience is precarious ; for though the minds of men may *for a certain time* be kept in a servile state of awe, by coercive means, yet it has been amply proved, by numerous instances, both in ancient and modern history, that *voluntary allegiance* is the only *permanent* safeguard of a government ; it may therefore be laid down as a general principle, *that an inquiry into the origin of civil institutions, laws, and customs, tends as much to the security of the sovereign, as to the freedom of the subject.*

I am aware, that some have doubted whether this kind of knowledge ought to be encouraged, among the lower classes of society ? and whether an ardent love of liberty does not militate against that entire submission to the will of the Supreme Being, which has been considered as a chief constituent of religion ? A desire *to be free*, say those reasoners, occasioned the fall of man from happiness, and the favour of heaven : but, is not this assertion (even supposing it to be strictly true), improperly connected with the subject now under discussion ? Disobedience to a *divine* command, *expressly given*, and the establishment of rights which human beings possess in common, and which are considered only with reference to one another, appear to be founded on principles wholly distinct. The state of man *before* and

after the Fall, may be presumed by all who give credit to the testimony of Moses, to have been very different; at the former period a *theocracy** of the purest kind may be supposed to have existed; at the latter period a *mingled* form of government necessarily arose, supported by the consent of the people, and depending on human will; still, however, the wisdom of legislators secured privileges to mankind, of which they could not, without violence and injustice, be deprived; the increase of numbers on the earth, added to the imperfections of mankind, gave rise to laws; but those laws were at first evidently framed for mutual security and happiness; were they founded on any other principles, they must necessarily be unjust and tyrannical; but if founded on those principles, the deeper they are investigated, the more firmly will they be established;*

* A theocracy is, of course, the most desirable kind of government, because it is secured from all errors of judgment: but under a *theocracy of the purest kind*, we can scarcely suppose the existence of crimes; it implies the immediate influence, and no other will or law, but that of the Supreme Being: this state does not appear to have existed even in the time of the Patriarchs, who, nevertheless, were many of them characterized by a degree of piety and virtue, difficult to be found in latter ages, though a kind of theocracy must ever be presumed to exist on earth.

* The questions, Do we not rely on a mechanic or artist?

it cannot therefore be the interest of an equitable administration, to prevent the feelings of the people from operating in their assent to the laws under which they live: nay, it is the duty of statesmen perpetually to recal to their minds the simple end for which all human government was instituted, *i. e.* the common good; and this kind of conduct is more likely to produce valuable members of the community than arbitrary measures, which, by irritating the evil passions of mankind, have perhaps only produced crimes.

If we compare the politics, and internal government of various nations, at *different periods* of their history, we shall generally find, that in proportion to any *tyrannic* restraints laid on the people, punishments and executions have prevail-

and ought we not to rely on those who conduct *the machinery of a state*? may perhaps be thus answered.

As long as we have reason to conclude that the machinery is in good order, and that each part is not only adapted to, but literally answering its end, we may, in case we are *acquainted* with the structure of the political machine, confide in those who conduct its operations, and in case we are *ignorant* of its structure, we may still infer, from the effects which we see produced, that it is answering the ends of its formation; but if we perceive weakness in some parts, inaction in others, and confusion throughout the whole, we have a right (as we in reality form a part of this machine) to inquire into the causes of those defects.

ed ; yet each successive scene of severity and cruelty, has only been a forerunner of fresh *crimes* ; this clearly proves the impotency of *arbitrary measures* for their *prevention*.

It appears, on the principles which have been laid down, that the freedom of the subject, restrained by a due regard for the dignity of the sovereignty, tends more to secure good order and allegiance, than a blind submission to authority procured by illegal and coercive means ; it must further be evident, on the same principles, that any attempt to suppress, or refusal to answer the *INQUIRIES* of the people concerning matters which relate to their laws, is a violation of the compact made between them and their rulers ; because laws were framed for their *mutual security and happiness*, and the government, of which they in reality form a part,* is supposed to derive its strength and efficacy from their consent.

* Vide Chap. I. in which the primary principles of government, or legal institutions, are laid down.

CHAP. III.

OF UNIVERSAL PRINCIPLES.

THERE are principles to which we must ever recur, in spite of the revolutions of nations ; they lie latent, from generation to generation, and notwithstanding the changes of customs, politics, and religions, unite in amity the numerous races which are scattered over the globe ; some countries, however, have been gradually so altered, from various political causes, that the principles alluded to, are only discernible after a deep scrutiny ; dispersed under many masters, the people have, without *design*, and almost without *consciousness*, been initiated into *habits*, and *modes of thinking*, which, on a cursory view, appear to have destroyed the characteristics originally attached to them.

The truth of the above remarks is corroborated by the state of the Indians, Africans, Tartarian, American nations, &c. ; yet the very changes which have taken place, and the *diversity* which seems to exist, among the inhabitants of the

earth, might perhaps be adduced as *reasons* for perpetually recurring to principles, which are ever the same, and resist the power of time.

Those cannot surely be deemed visionists or subverters of order and morality, who are of opinion that it is impossible to judge *impartially* of any thing, without reasoning on its *real nature*, unconnected with its *relative qualities*, or with any *particular* and *arbitrary* notions which may have been attached to it.

The phænomena of the universe may be presumed to have been the same at their creation as they now are; if, instead of so many apparent intervening circles or revolutions of the sun, which we call *years*, and the succession of human, and animal, forms, trees, plants, &c. we could suppose only one day, our reasonings, with respect to those phænomena, must, on this supposition be, in a metaphysical sense, the *same*. Of what utility the changes alluded to may have been to the designs of the Supreme Being, with reference to the *immensity* of his creation, we cannot, perhaps, with our present faculties, determine; but we know that all substances, of what kind soever, are only different modifications of similar materials,* in ana-

* The materials of the whole universe are in reality subject only to three processes: viz. First, to the reception of *energetic*

lyzing which, nearly the same general principles present themselves to our minds ; and those principles may, perhaps, as well be applied to the atoms of the air, as to the celestial orbs : both the one and the other are certainly the same, with respect to those *intrinsic characteristics* which constitute the identity of their being, as they were at their creation ; the peculiar organization of each individual, however diminutive and apparently insignificant it may be, fits it for a particular kind of existence, and for particular qualities, impressions, &c. but, *with respect to that particular kind of existence, &c.* considered abstractedly, some thousand years are, in reality, the same as *a day*.

We may perhaps venture to extend the argument, and to affirm that with reference to those *INTRINSIC characteristics*, beforementioned, the present is the same as the *beginning** of time.

power, in order to fit them for, secondly, *various modifications*, which are accompanied by a variety of natures, forms, &c. ; thirdly, the disunion, or perpetual change, but *not destruction*, of atoms, for the purpose of carrying on that never-ceasing generation and reproduction, which we see throughout the creation.

* I now speak in common language, which generally, when analyzed, on logical principles, is found to be inaccurate, and sometimes absurd. The beginning of time refers to the creation ; but if we go a step farther, we are involved in metaphysical and chronological inquiries, which would fill volumes.

There are *laws* prior to any, which are *generally known, or obvious* ; on those laws *universal principles, as immutable as themselves*, appear to be founded ; and those principles may perhaps, without impropriety, be applied to *politics*, as well as to any other science or art.

CHAP. IV.

OF CIVIL DISTINCTIONS.

It would be as impossible to make all men equal* (in the *literal* sense of the word) as to make folly equal to wisdom, vice to virtue, falsehood to truth, or to unite in a common nature, any other contraries: we perceive in the creation a variety of forms and qualities, *from the floating atoms, to the most noble class of animals*; and we find, upon a narrow scrutiny, that *each* individual has a peculiar character, or mode of existence, which distinguishes it from all *other* individuals; the difference, it is true, is so small between some, that it is only discernible after a strict examination,

* The word *equality*, used in a political sense, has reference merely to the *rights* of individuals with respect to society; a vicious and an ignorant man might have the liberty of speaking *after*, or even *before*, a virtuous and intelligent man; and he would have an equal RIGHT to security of *life and limb*; but *authority* would be given to the latter on the strength of his merit and capacity; political and natural liberty are very different. In a free state, however, both may, to a certain extent, exist.

by chymical processes, &c.; yet this difference suffices, *strictly speaking*, to constitute *a being different from any other being*: thus is it among men. But as in nature those substances which are *to all appearance* alike, are classed together; so men of similar habits and principles seem to come under the same denomination; and as, among animals, those *of the same kind* associate with each other more readily than those *of a different kind*; so men whose dispositions, generally speaking, seem to accord, are more prone to seek the society of each other, than those whose characters are wholly opposite.

The various talents and tastes of different individuals give rise to various occupations and professions among them, which produce an interchange of good offices, highly conducive to the general interests of society: the mechanic, the farmer, the merchant, and the multitudes who apply themselves to the study of arts and sciences, mutually assist and encourage each other. To Sir William Jones was allotted the task of investigating the politics and religions of all*

* Such was the universal estimation in which the abilities of this great man were held, that during his life few would have ventured to take his place in India, unless instigated by private pique, or any other similar motive: men of the most

the nations on earth; to a shoemaker is assigned that of making a covering for the feet of his fellow-creatures; an occupation not contemptible, when the comfort of millions is considered as the object of his trade. (We may reason in the same manner concerning other trades.)

The man who is occupied in calculating the bulk and distances of the heavenly bodies, and the man who threshes in a barn, may be both *respectable*; but their characters are wholly different; it is probable that the one would be better pleased with the company of a mathematician, than with that of a thresher; and that the other would prefer the society of a thresher to that of a mathematician; if a ploughman were to take the brush out of the hands of an eminent painter, and insist on being his substitute, we should justly deem such an act highly improper and absurd; yet the ploughman, considered merely as a *man*, is the *equal* of the painter; the talent of the latter gives him a *distinct quality*.

distinguished learning bowed to his decisions, because they found them to be *just* and *impartial*; and from the continued attention which they saw he bestowed on all points connected with Asiatic researches, they naturally inferred that he was fully adequate to the arduous duties, which his situation imposed on him.

This argument may of course be greatly extended, and applied to a multitude of instances; but if *talents* exist not, there is another kind of distinction, by means of *money*, which gives rise to various situations in life, and to the reciprocal duties of a master or mistress, and a servant, a superintendent and a workman, a man of property and a superintendent, &c. There is also in every state a *general compact*, which enables all ranks of men * to derive some individual profit either for their labour or their talents; for instance, a man receives an equivalent in money for his *labour*; he, in his turn, gives this money as an equivalent for some necessary of life; the person who receives it, transmits it for some articles of trade; and it is again disposed of by the new owner. Thus the obligation is reciprocal; the same compact exists among artists, mechanics, and professors of science, who exercise their *talents* in a civilized country: the mechanics assist the artists, and the artists the professors of sciences; this law of exchange†

* Women are of course included in this compact; the expression *man*, is here used as a *general term*, in the same sense as *seaman*, which always includes the female part of the world.

† On the principles which have been laid down, it does not appear that trade, in itself, tends to contract and vitiate the minds of those engaged in it (which is an opinion maintained

extends even to the sovereign, who receives his revenue* from the people; as men and knowledge increase, trades and manufactures will of course increase, and the number of persons employed and engaged in them will be greater; consequently the regulations which relate to them will be more *complicated*, and *new* links added to the political chain; but *every* link is of *some* importance; each man by exerting himself to fulfil *his* duties, facilitates the performance of those of his neighbour; the absence of one † would render the labours of another less ef-

by some); the *abuses* introduced into it might be obviated, but the institution itself seems to be established on a pure foundation; the profits of trade, however, ought to be *determinate*; varying only according to *known* political circumstances, and not subjected to caprice or *mere* selfish views; tricks and chicanery ought to be as much exploded amongst *respectable* traders, as they are among *honest men* in the higher orders of civil society.

* The revenues of the European kings, have generally been drawn chiefly from lands, mines, navigation, timber, profits on various articles, foreign and domestic, &c.

A sovereign may have *private* property; but as the principles laid down throughout this Essay are generally primary and abstract ones, I reason on the simple supposition *that a sovereign derives his wealth from his people*; and even in the most complicated governments this is *mediately* the case.

† Experience, however, enables us to reverse the argument; and to say, that the energies of one mind, may effect what mil-

fectual, and, in some cases, almost useless : it is evident that these obligations, so far from infringing on the liberty of mankind, ensure to them their rights, by preventing injustice ; and that men formed into a political body do not enslave themselves by making *concessions*, for they receive others in return. The workman of course obeys the superintendent, who in his turn obeys the employer ; yet the *free will* neither of the one nor the other is encroached on ; for *obedience is part of the compact which exists between the man who works, the man who superintends, and the man who pays.** On this principle military discipline is established ; the soldier *may* be a better man than his general, yet were he not to obey orders, he would break the *compact* formed between his general and himself, which is, *that he should receive money, or any other equivalent*

lions by the power of *numbers* alone could not : as in mechanics, a very small power will sometimes lift an enormous weight. This is particularly the case in politics, but is not a general rule.

* The man who *pays* may also *work* ; and his *labour*, in some cases, may be more *arduous* than that of the labourer, who receives a certain sum per day ; but one relative situation does not destroy another. With respect to the earth, wood, metal, &c. on which a wealthy man may think proper to *work*, he is a *workman* ; with respect to the workman, he is *paymaster*.

agreed upon, in return for certain offices, and services, which he has bound himself to perform : (and which it is supposed he voluntarily performs) for his country, under a legal commander (vested with authority to bring him to account should he not perform them) ; nevertheless, when neither the general nor the soldier are on duty, a kind of equality exists between them, which may enable the former to associate familiarly with the latter, and sometimes to admit him to his friendship and confidence ; nay, the general may in some cases work with his soldier, as well as share all his hardships ; but he might with reason be surprised, if, on their return to their respective posts, the soldier were to disobey the word of command.*

I here allude to the compact merely between the soldier and the general, which ensures obedience on principles of military discipline, whether the soldier be attached or *not* to his commander. The compact between the soldier and his *country* is different. He of course expects rewards for his services, but he does not fight *merely* for pay. The cause, the real interests of his country, are objects of consideration to him : if his commander

* It is necessary that those offices and services should be properly distinguished and estimated. The risks, the sacrifices, the courage, conduct, &c. of the soldier must be considered.

be a man capable of attaching him, and worthy of his esteem, it is well; if not, he still submits to him, while he is under his command, because he is the lawful medium appointed between him and his country; by or through which he receives his pay in return for stipulated services: and though he may forbear all panegyrics upon him, yet still, in the character of his commander (whether placed through ignorance, mistake, or chicanery, in that situation), he is bound to obedience. Were the above rules not attended to, the *casual* change of commanders in foreign expeditions, &c., would be productive of the most disastrous and destructive consequences. The soldier may, nevertheless, on his return to his country, or the first opportunity, petition to be removed from so disagreeable and odious a post.*

* A great degree of caution and delicacy is however necessary in cases of discontent: a certain number of impartial men (composed not only of different corps among the higher ranks, but of soldiers who have no particular or personal interest in the question), ought to be chosen, in order to decide concerning the conduct of the disgraced commander: for it is an acknowledged fact, that the most splendid enterprises are not always those which are ultimately either the most successful, or the most beneficial; and, on the other hand, measures which appear not only insignificant, but liable to great objections, may be attended with the most favourable results, which a commander may foresee, but not always be able to make obvious to his sol-

This mode of reasoning may be applied to subordination in general : it is evident that equality in its *literal* sense cannot exist even in nature, still less with reference to civil society ; if mankind were at present in a state of apparent equality, they would very soon voluntarily divide themselves into different classes, and follow occupations as various as their several tastes and capacities ; the weakness and apathy of some would necessarily yield to the genius and energy of others : different trades would be established, and if institutions were to take place *for the benefit, and by the wish, of all*, we should, generally speaking, see each individual contending for that place which might be best suited to his talents ; *the bulk of the people*, conscious of their inability, *as a body*, to fulfil the duties of legislators and magistrates, would readily bend to the authority of those who seemed best able to direct

diers. The advantages or disadvantages of a situation ought also to be considered. What would be easy under some circumstances, might not be even *practicable* under others ; and yet the difficulties might not be immediately evident ; for this reason, perhaps, no description of men on earth are more entitled to a candid judgment, than commanders who are placed in perilous situations, with no other witnesses but their men.

Success added to conduct, indeed, immortalizes the name of general ; but is not conduct *alone* deserving of *some* praise ?

them :* but as in an infusion of sanative herbs, the powers or virtues of one, *co-operate with*, instead of *destroying*, those of another ; so in a body of men each individual assists his neighbour, and thus contributes to the utility and strength of the community at large. The powers of human beings are extensive and wonderful : they are also peculiar to each person ; but though the capacities of a *multitude of individuals* may vary, yet they are in reality all useful links of the same chain, and are respectable in their several departments : oppression among the higher, and discontent among the lower ranks, seem to result from a misunderstanding concerning the *nature* of distinctions in society ; which it appears are not the necessary consequence of civilization, but are established by the *Supreme Being*. *Civil distinctions* are literally founded on *natural ones* ; in the same manner as *civil laws* are founded on *natural ones* ; far from degrad-

* These are the *natural* and *general* effects produced in an uncorrupted commonwealth, after the first steps towards the establishment of a government have been taken ; but when evils and abuses have been gradually introduced into the commonwealth, men who are *not* able to direct the people, have sometimes necessarily been placed over them ; and either from terror, ignorance, or other causes, have received their *voluntary* submission.

ing the people, they in reality give rise to a multitude of reciprocal duties, which *contribute to mutual security and happiness.**

It is incumbent also on those who are placed in subordinate stations to consider that their destinations may merely relate to *this world*; in *another* state of existence they may enjoy a *high degree of intellectual perfection*, added to *real honour and permanent felicity*. If this supposition were even *delusive*, it might be safely indulged, because it would at least tend to cherish our virtues, and to strengthen us in the performance of our duty; but there are many arguments in favour of its being founded on *fact*; and the public voice (*vox publica*†), while it has attested in all ages and among all nations *the existence of a Supreme Being*, has also declared *that there is a state beyond this world.‡*

* Vide Chap. I.

† BROWNE's Poem, "De Immortalitate Animi." *The public voice*, or "*the voice of the people*," has also been called "*the voice of God*." The genuine *unbiassed* voice is, however, implied.

‡ This principle seems to have been universal; its *simple* cause is, perhaps, the love of happiness; all our enjoyments on earth are more or less mingled with sorrow and disappointment. We are therefore prone to look beyond this world, and to talk of the promised country. The cause above stated, exists

even among those who are most void of reflection ; but the *sublimar* causes have been finely described both by theological and poetic writers ; and by none with more energy than by the poet whose name I have mentioned.

CHAP. V.

OF THE SOVEREIGNTY.

FROM the earliest ages of the world the people have been inclined to invest a few men with the power of framing and executing laws; retaining however the privilege of *opposing*, and even *punishing*, any *abuse* of the authority which they delegated to their sovereigns or chief magistrates. A *voluntary compact between the people and their rulers* constitutes a GOVERNMENT, and gives rise to the reciprocal duties of *obedience* and *protection*. The *primary* end of a government is to effect purposes, which could not be effected without its establishment. If the duties either of the people or their rulers be forgotten, *i. e.* if obedience exist on the part of the people *without the protection of their rights*, *tyranny* and *slavery* usurp the place of a legal government, and *rebellion* soon destroys both the one and the other; (though sometimes only for a certain period, as the histories of some nations prove.) A nation has justly been compared to an *animal*

body, in which all the parts must be connected and act jointly for the good of the whole, in order that the entire body may be preserved and supported; but if one part receive the greater portion of nourishment, the other parts must necessarily be impoverished, and their functions consequently weakened and rendered almost useless. On this principle it is evident, that whether the sovereignty reside in *one*, or in *several*, its interests are intimately connected with those of the people; and being the sacred depository in which the rights of millions are lodged, its authority is unlawful, and its dignity destroyed, when the public good ceases to be its care; the utility* more than the splendour of the *higher offices* in a state ought to be considered; those who fill them are the guardians of the safety and welfare of a whole nation, and are therefore bound to redress grievances, protect the weak, and reward the meritorious. With respect to the *qualifications*, or necessary requisites of a sovereign, Sir William Blackstone makes the following

* This principle was, perhaps, more fully acknowledged and understood by the *Romans*, than by any other nation among the ancients: they generally little regarded *the riches* of their emperors, in comparison with their love of science and virtue; the Roman soldiers might *serve*, but they never *loved*, a tyrant.

emphatic remarks, which deserve particular notice:

“ In general all mankind will agree that government should be reposed in such persons in whom those qualities are most likely to be found, the perfection of which is among the attributes of him who is emphatically styled **THE SUPREME BEING** ; the three grand requisites, I mean, of wisdom, of goodness, and of power ; wisdom, to discern the real interest of the community ; goodness to endeavour always to pursue that real interest ; and strength, or power, to carry this knowledge and intention into action. These,” continues the learned Judge, “ are the natural foundations of sovereignty, and these are the requisites that ought to be found in every well constituted frame of government.” (BLACKSTONE’S Comm. Vol. I. page 48.) A further corroboration of the sentiments of the Judge may be seen in WARBURTON’S sermon preached in 1765. The following passage, in my opinion, deserves to be printed in golden characters, and placed in the chamber of every prince, in order to remind him of his duty towards his people. The Bishop, in his inquiry “ *from whence honour naturally ariseth to that sacred character (a king) and how arbitrary power as naturally destroyeth it,*” thus expresses himself: “ The first ground

of *honour* is that of a king who considers his people as the children of his family and household, and is necessarily employed in feeding, supporting, and enriching, those committed to his care, so that gratitude, which requires all the returns of filial duty and affection, gives him *honour* as a COMMON FATHER;* on the other hand, A TYRANT, who regards his subjects but as *slaves* ordained for the execution of his will and pleasure, is only solicitous *how to make the most of them*: the fruits of whose blood and sweat he squanders away in wild depopulatory projects of ambition, or in the most impoverishing gratifications of luxury and pleasure, which, instead of *honour*, repays him with deserved aversion and contempt. Another ground of *honour* is the

* It is a question of some importance, whether a king or ruler of a nation, would not rather add to, than derogate from, his national consequence, by sometimes going himself among his people to redress grievances, hear and see the truth of cases, of which he has, perhaps, only heard vague reports, reward meritorious persons, and punish oppression? It is certain that in a country which has been called despotic, (I mean China,) this custom has prevailed. At certain periods, the emperors have not only turned up the earth, but partook of food with the husbandman. I give this instance as a *striking* one, in favour of such a practice, because the emperors have, it is well known, during a succession of centuries, enjoyed a degree of pomp and power, which might almost be proverbial.

equal protection, which a king affords to all his subjects ; not suffering the commons to be oppressed in their religious rites by cruel and intolerant churchmen, or in their civil, by proud and overbearing nobles ; which gives him *honour* as their COMMON PROTECTOR. The TYRANT, on the contrary, who wants the assistance of superstition to support his illegal pretences to divine right, and the connivance of the powerful in the unjust exercise of it, delivers up the PEOPLE a prey to both, that himself may direct and preside in the common pillage, which must needs turn all esteem and honour into hatred and detestation. Another ground of HONOUR is, that old, established, and well known laws,* being the rule of his administration, the people rest

* This assertion appears to involve a paradox, for laws are not necessarily good because "*old, established, and well known*" (though the above circumstances may, if added to *real constituents* of excellence, render them more *respectable*). The Bishop, however, who was of course aware that neither *antiquity*, nor *habit* can give *validity* to what is *in itself bad and absurd*, evidently *meant*, that if the existing laws of any country answer the *ends* for which those who administer them affirm they were at first framed, i. e. to "*secure freedom of person, and enjoyment of possessions from all encroachments of power*," a king, who is bound to maintain them, cannot make his own will, instead of the laws, "*the rule of his administration*," for by so doing he becomes a TYRANT.

secure in the freedom of their persons, and enjoyment of their possessions from all encroachments of power. Hence the king becomes *honoured* as the COMMON JUDGE and AVENGER of wrong and injustice; on the other hand, the TYRANT, by making his will and pleasure the direction of his government, confiscates, and imprisons without legal forfeiture, or conviction; which rendering liberty and property a prey to court sycophants, reduces all *honour* to a servile fear. The last ground of *honour* which I shall mention is, that the king acknowledges himself *created by the people, and for their sake, the end of his office being the public good*, so that he is honoured by them as their COMMON BENEFACITOR. A TYRANT, on the contrary, claims his right from Heaven, or nature, or conquest,* or, in short,

* Warburton evidently here alludes, 1st. To the notion that every person declared king, must *necessarily* derive his right from Heaven;—now he is of opinion that *the consent of the people* is required, in order to make his government legal. 2ndly. To the idea which may be entertained by any *madman*, that he *is*, or ought to be, king, without any proper *qualifications* for that office. 3dly. To the supposition that *conquest* is *alone* sufficient to confirm the regal power; whereas he is of opinion that a man must be created king by the people; or, in other words, that his authority must be supported by their *consent*. The learned Prelate could not *literally* and *wholly* oppose the principle that a man may be a king (or in other words,

from any thing, rather than from that whence only a free obedience can arise, and consequently holds the people made for the gratification of his pleasure, and the support of his magnificence ; and that when he condescends to employ himself in their service, it is merely of his princely grace and favour, which turns all HONOUR into jealousy and distrust."

The simplicity and energy with which this reverend Father has pleaded the cause of patriotism, and the grounds on which he has maintained the dignity of the sovereign, must be admired and approved by all those who have impartially considered the subject on which he has written. It would be difficult to refuse our assent to doctrines so pure, so just, and so sublime ! and I feel great satisfaction in the hope, that the humble tribute of praise which I have had it in my power to bestow on his resplendent talents, may induce those of my readers, who are attached to a monarchical form of government, to investigate, without bias or prejudice, the principles which he has so ably supported.

Some of the most distinguished writers among the ancients have concurred in saying, that kings

a ruler of the people) by " Heaven, or nature, or conquest," without rejecting even the *historical* part of the Bible.

cannot legally adopt any measures detrimental to their subjects.

The speech of Trajan to the Prefect* of the pretorian guard, must be present to the minds of some of my readers: "Use the sword *for me*," said this brave prince, "if I govern *well*, and *against me*, if I govern *ill*."

Trajan seems to have been well acquainted with the *real* meaning of the word *rebellion*, which may perhaps be thus explained: The compact voluntarily made between a people and their government includes *the protection of their rights*; when those rights are disregarded or encroached on, they naturally declare war against tyranny; but when those rights are restored, they become pacific, and willingly submit to civil restraints. Being threatened, however, *again* with fresh oppression, they *rebel*, or declare war *again* against tyranny, but not against their legal rulers. This kind of *rebellion* has been perpetually going on, more or less, in every nation, ever since the establishment of governments.

It is reported that the nobles of Arragon used in former times, on electing their kings, to say,

* These Prefects seem to have had great power, even in the time of the Emperors, not only over the city, but an hundred miles around it; they attended to various objects of importance in the state: and appeals from the governors of provinces lay to them.

"We, who are as good as you,* make you a king, on condition that you keep and maintain our rights and liberties,† and if not, (if you will not keep and maintain our rights and liberties) (we do) not (make you a king) (for it is on that condition that we invest you with regal power)." Even Bracton,‡ who seems in some parts of his work, to give great authority to kings, very ingeniously endeavours to prove, by various assertions, which appear to militate against the rights of the people, that as kings are (in his opinion) the *vicars, or ministers of God on earth*, when they act unjustly, they forfeit their prerogatives, and become *vicars of the devil*.§

The learned Hooker, in his Ecclesiastical Polity, justly observes "That laws do not take their constraining power from the quality of such as devise them; but from the power which giveth them the strength of laws;" and this power, he certainly implies is the PEOPLE.¶

* As far as natural rights extend.

† The opinion of Theopompus, king of Sparta, which we read in Plutarch, deserves notice. He affirmed that the kingly power was more *secure* by being *limited*; and Agesilaus was so obedient to his people, that he returned to his country, from Persia, by a decree of the Ephori or senate of Sparta.

‡ A law writer in the time of Henry III. king of England.

§ Bracton de Legibus et consuetud. Angl. l. iii. c. ix.

¶ Lord Lyttleton, in his Persian Letters, proposes this ques-

The validity of charters appears to depend on the people; the Magna Charta was *extorted*. It has been declared invalid, and revocable by the king in several reigns, yet it still exists; perhaps chiefly in consequence of one chapter in it.*

So prone have the people been, amidst a complication of political abuses, to collect and preserve, from generation to generation, the remnants of their liberty.

The name of king † does not *always* imply higher prerogatives than the name of chief magistrate, who in some ancient cities (and particularly in Rome) had greater power than many kings in modern times; and even the *titles* given to magistrates in various parts of the world, at later periods, prove how prone the people are to exalt those whose professed office it is to redress wrongs, restore the rights of the oppressed, and protect the defenceless, by whatever *name* they may happen to be called. The Romans, however, were generally prone to bestow titles of the highest dignity rather on the *country*, or *body* of

tion, viz. Whether, if the privileges of the people of England be concessions from the crown, the power of the crown itself be not a concession from the people?

* Chap. xxix.

† The kings in Denmark, Sweden, Poland, and other countries, resembled presidents of assemblies.

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the people, than on any particular individuals : The majesty of the Roman people ; the majesty of the empire,* &c. were common expressions among them.

At a very early period of the English history, it appears that there were kings in Britain ; but when we read in Caesar's Commentaries that there were four kings merely in the district called Kent, we are naturally inclined to suppose, that the name of king must have been applied to chiefs, leaders of armies, or powerful men, who, in any great emergency, seem to have appointed a generalissimo of their forces ; (as was the case with respect to Cassibelanrus, who fought against Caesar ; and others) but whatever appellation may be given to those who hold the reins of government, either in a civil or a military capacity, in a limited or extended sense, it is certainly necessary, for the safety and happiness of those who are under their jurisdiction, that they should frequently recur to the principles on which their authority is founded.

* *Majestas populi Romani: majestas imperii.*

CHAP. VI.

OF THE REPRESENTATIVES OF THE PEOPLE.

IN the early periods of human society, it is probable that individuals met in appointed places, for the purpose of discussing matters, relative to their common interests; but in process of time, their numbers, and the distance at which they lived, became too great to enable them *all* to be present at the convention, in which, of course, they had *all* a right to a seat; therefore persons were chosen to supply the place of those who were absent: this election was evidently founded on the principle, *that the elected could not have separate political interests from the electors.**

Parliaments have existed from the earliest ages; for though the word (parliament) was in-

* Sir Henry Spelman (known as an author chiefly for his collection of laws made before the Magna Charta,) observes, "That the meanest vassals had their representatives in the first councils of the nation." There was a law among the Romans, in the early part of their establishment, which enabled every citizen to propose a law to the people; but, as their numbers increased, their personal power was of course diminished.

troduced into England by William the Conqueror, yet popular assemblies of the same nature were held before that time in Britain, as well as in other parts of the world: and, if we refer to ancient authors, we shall find, that the people have always been inclined, even under the most despotic governments, to favour meetings and assemblies, which might tend to check tyranny.

The first instance of sending deputies of towns and boroughs into the English parliament, is found in the reign of Edward I.; but they had not then the same degree of power which they have since possessed. The English parliament is convoked and dissolved by the king; but when once convened, he is not supposed to have any power over its *determinations*; nay, he has often been obliged to abide by its decrees: this was also the case among the Jews.

Josephus expressly says, that the king shall do nothing without the advice of the Sanhedrim;* and it is plain from the speech of Zedekiah the king, to Jeremiah, that even the Jewish

* The parliament of the Jews, which was held at Jerusalem; it somewhat resembled the Ephori of the Spartans, in its nature and the extent of its power. It could banish and imprison kings; and Buchanan, in some part of his writings, declares that the people of Scotland could do the same.

sovereigns favoured this opinion. (Jerem. chap. xxxviii.) In some cases the people, *i. e.* all Israel, or the *children of Israel*, had almost the sole power lodged in themselves.*

Changes in forms of government, if sanctioned by the people, or their representatives in parliament, are *legal*. The various changes in the Grecian and Roman states were deemed *legal*; for, strictly speaking, it matters little what *name* is given to a government, or what *names* are given to the chief magistrates, provided the *end* of the institution both of the one and the other, *i. e.* public utility and happiness, be answered.

Parliaments, considered in a pure abstracted sense, are mere substitutes for the unanimous voice of the people. When a country became so extended that it was necessary to *divide* it, each division, containing a certain number of inhabitants, had power to elect its representatives,†

* Annual parliaments are, perhaps, more consonant with the primary principles of government than *triennial* parliaments; but the *septennial* parliaments, countenanced by George I., appear to be liable to serious objections.

† Though Montesquieu, in his *Esprit des Loix*, goes so far as to assert, that in a *free* state, every man who is supposed a *free agent*, ought to be *his own* governor; yet he concludes, that as states cannot be governed by the *bulk of the people*, they must have *representatives*. (Book xi. ch. vi.) This is a simple and obvious fact; but Montesquieu, (who is far from

who met at stated times, in order to discuss, and adopt measures for the good of the commonwealth; and as this was the *object* of their meeting, and that one division was in reality united to another, and only nominally separated, for the reasons already mentioned, it is evident, that when one division elected a representative, they did not expect him to act merely for *their* advantage, but for the *general interests* of the country; this appears to be the most natural form of government, after human society has arrived at a certain degree of civilization. Such was that of the ancient Britons, of the Gauls, &c.; and (*when preserved in its purity*), it certainly tends to produce that *equilibrium of power*, generally speaking, which has been considered as the *essence of freedom*; but, like the *executive power*, distinctly considered, it may become an *instrument of tyranny*, when perverted from its *end*, which evidently is to *prevent encroachments on the rights of the people*.

being infallible in *all* his principles,) deserves some credit for it. It must have been owing to some strange abuse of the system of representation, that Rousseau affirmed in his Social Contract, that the people of England thought themselves free, but they were mistaken; they were so only during the election of members of parliament; as soon as they were elected, the people were slaves.

It is certain that some countries, both in ancient and modern times, may be brought as instances of the inefficacy of this mode of government; but when an institution or regulation, *good in itself*, does not answer its *end*, ought we not to inquire into the *causes* of its failure? And in the cases now adverted to, might not ignorance, a complication of abuses, venality, and civil wars, have prevented the salutary effects which *the division of a country*, and the *system of representation* are calculated to produce, and given rise to evils more destructive than those which could result even from the power of a single TYRANT.

The division of England into *shires*, is by some ascribed to king Alfred; but others, perhaps, with more reason, are of opinion, that it took place soon after the first planting of the island.

The shires, or shares, considered in their simple nature, bear a strong resemblance to the tribes of Israel; and we find in Xenophon, Herodotus, and other ancient historians, that the Medes, the Persians, Grecians, Scythians, &c. had, at some period or other, nearly the same kind of division of territory.

CHAP. VII.

OF THE CONSTITUTION OF ENGLAND.

THE questions, Whether any government can be denominated *legal*, unless the people, or their delegates, have met *for the express purpose of forming it*? Whether the English constitution ever received that sanction? and at what period? involve many intricate inquiries. I should depart from some of the principles which have already been laid down, were I to pursue them; and they would only at length lead to this query: Whether we have a legal government, or not? If we have, the few assertions which I shall make are applicable to it; if not, they are, I admit, chimerical: but might not this, on the same grounds, be said of all political reasonings? Might we not affirm that there is no house of commons, because it has sometimes been under the influence of the Crown? or that the people cannot enjoy liberty, because they have rulers? &c. We must, however, perhaps argue on more general principles, and consider the constitution as a poli-

tical code, to which it is presumed the people have assented,* since it exists.

We may trace the origin of this kind of government beyond the Gothic polities; in its *simple* form, it consists merely of a chief or sovereign; a body of men, chosen for their wisdom and valour to serve as an equilibrium between the power of the chief or sovereign, and that of the people; and a popular assembly, composed of men of abilities and merit, who are the immediate representatives of *the whole body of the people*.

This is, perhaps, one of the purest forms of government that exists; yet it is not secured from errors and abuses: but is there a system on earth which is not, more or less, liable to *errors* in its formation, and *abuses* after its establishment?

M. de Lolme, in his well known account of the English Government, mentions the following among its chief characteristics.

1. The numerous restraints the governing authority is able to bear, and the extensive freedom it can afford to allow the subject at its expense.

2. The liberty of speaking and writing carried to the great extent it is in England.

* This *assent*, either actual or *implied*, has been supposed, by some, to give a sufficient degree of political validity to any code of laws.

3. The unbounded freedom of the debates in the legislature.

4. The power to bear the constant union of all orders of subjects against its prerogative.

5. The freedom allowed to all individuals to take an active part in government affairs.

6. The strict impartiality with which justice is dealt to all subjects, without any respect whatever of persons.

7. The lenity of the criminal laws, both in regard to the mildness of punishments, and the frequent remitting of them.

On the above, and similar principles, is founded what has been denominated English liberty; of which the system of representation may almost be considered as the basis.

The independence of *the representatives of the people* having been considered as the principal remedy for those abuses, which, during a succession of years, may gradually creep into every government, members of parliament are frequently elected,* in order to prevent illegal influence: and in the reign of William III.

* This was also the case with the Roman magistrates; even the dictator generally held his office only six months; though it was ever after considered as an honour to him, to have been chosen even during that period. So when a member of the British senate has faithfully discharged his duty, while in office

it was wisely enacted, that no person who holds a place, or office, or profit from the crown, can serve as a member of the house of commons: In truth, it is essential that the representatives of the greater part of a large community should be, in a political sense, independent, and ever mindful of the *nature* and *origin* of that power which they possess in parliament.

Sir William Blackstone extends the argument, and observes "That if it should ever happen that the independence of *any* of the three (branches of the legislature) should be lost, or that it should become subservient to the views of either of the other two, there would soon be an end of our constitution." (Blackstone's Comm. vol. I. p. 51.)

On the above principles it has been deemed important to keep the legislative, judiciary, and executive powers *distinct*: It is particularly requisite that those concerned in the two last, should be the friends of the people; for even the most salutary laws, if they be not impartially and properly administered, may be destructive of those very rights which they are supposed to maintain.

his name is always mentioned with reverence, and the people have also the power to re-elect him.

CHAP. VIII.

OF THE HISTORY OF ENGLAND.

THOSE who doubt the authenticity of *all* the accounts which ancient historians have given of our island, previous to the landing of the Romans, must consult *Cæsar's Commentaries*, and other works of a more recent date, which will lead them to the establishment of a *Roman government** in Britain.†

* The etymology of the word Britain (*Brutaine*, &c.), has been a subject of ample discussion among the learned, and their various hypotheses may be seen in almost every history of the island; but satisfactory conclusions do not appear to have been drawn from them. It appears probable, however, that the word is derived from a Trojan hero, whose descendants built some eminent cities, which are supposed even now to bear their names. This account seems at least as probable as any that can be substituted for it. The facts recorded are not in themselves absurd, and appear to be corroborated, by the actual names of places, and by other remarkable circumstances.

The supposition that there is no certainty with respect to historical events *before* the Trojan war, as it tends to subvert

The Saxons are next introduced to us as the possessors of the island, and the name of Anglia, or Angleland, substituted for that of Britain.

By comparing the history of our own country, with the records of other nations at the same period, we shall discover, among a multitude of im-

the authority, and destroy the validity of several ancient records, on which our supposed knowledge of interesting facts is founded, may perhaps be considered as liable to objections; but it at least favours the accounts given of events *after* the Trojan war.

The doubts which Sir William Temple (among others) seems to entertain concerning the testimony of Geoffrey of Monmouth, will add little force to the opposite argument, when we consider that he has advanced several principles which *experience* proves to be *false*. The following assertion is too absurd to pass unnoticed: he maintains *that men are not fit for public affairs after the age of fifty*! A child might confute such an assertion, from the most simple history of *any* country. Sir William Temple therefore was, perhaps, in some respects under the influence of prejudices, which for some reasons he rather encouraged than wished to destroy: some of the principles which he has advanced, appear to be very erroneous.

† Britain was subject to the following Roman Emperors.

Julius Cæsar (perpetual dictator).

Augustus Cæsar, his nephew.

Claudius Tiberius Nero.

Caius Caligula (nephew to Tiberius).

Claudius Drusus, grandson of Livia.

Nero, the last of the Cæsars.

(In his

portant facts, the following *simple*, but *interesting* truths: first, that the same causes which originally produced governments, the vices and imperfections of mankind (resulting partly from their increase of numbers, different views, pas-

(In his reign Joseph of Arimathea preached Christianity in Britain.)

Sergius Galba.

Salvius Otho.

Aulus Vitellius.

Flavius Vespasian.

Flavius Domitian.

Nerva.

Trajan, a Spaniard.

Adrianus, or Hadrianus, who came into Britain when it was in a state of rebellion: he built a wall from the river Eden near Carlisle, to the river Tyne, near Newcastle.

Antoninus Pius.

Marcus Aurelius.

Antoninus Philosophus.

Aurelius Commodus.

In his reign the *Flamines* (priests instituted by Numa Pompilius,) became bishops.

Publius Helvius Pertinax.

Didius Julianus.

Septimius Severus, who repaired Adrian's wall.

Bassianus Caracalla, and his brother Septimius Geta.

Opilius Macrinus.

Bassianus Heliogabalus.

Aurelius Alexander Severus.

Verus Maximinus.

Pupienus

sions, &c.), gave rise to those *political evils*, by which all governments appear to have been more or less characterized; and, secondly, that the same principles which now pervade the human mind, existed ages ago. At the period of English

Pupienus Maximus, and Clodius Balbinus.

Antonius Gordianus.

Julius Philippus Arabs.

Trajanus Decius.

Trebonius Gallus.

Julius Æmilianus.

Licinius Valerianus.

Licinius Galienus.

Aurelius Flavius Claudius.

Aurelius Quintilius.

Valerius Aurelianus.

Claudius Tacitus.

Annius Florianus.

Valerius Probus.

Dioclesianus, the Persecutor of the Christians.

Constantius Chlorus, and Galerius Maximinus; Constantius married Helena, a British lady, who walled the city of London.

Constantine the Great, the son of Constantius and Helena.

Constantinus, Constans, and Constantius, the sons of Constantine the Great.

Constans and Constantius, successors to Constantinus.

Constantius, successor to Constans.

Julian.

Flavius Valentinianus, a Christian; and Valens his brother.

Flavianus Gratianus, the son of Valentinian.

Flavius Theodosius Magnus.

Honorius.

history to which I now allude, we find men, amidst wars and crimes, scattering the olives of peace, and offering the laurels of virtue to a multitude grown desperate in carnage ; we discern an Arthur* protecting the rights of his country, amidst anarchy and civil commotions ; an Edwin preaching charity and benevolence to a rapacious people ; an Alfred disseminating the maxims of ancient sages, among ferocious warriors ; an Athelstan encouraging learning, and endeavouring, by the wisest measures, to establish tranquillity in a country long torn by warfare ;

Honorius. At about this time the Roman power began to decline in Britain ; after several contests, Constantine, a common soldier, was elected Emperor, and fixed the seat of his government at Arles. He was beheaded at Rome, just about the period when that city was sacked by the Goths and Vandals.

The Romans, after having served with the Britons in some of their most memorable battles, during several centuries, retired into Gallia, which was for some time governed by the Roman laws.

Constantine the Great had bestowed Armorica (now called Little Britain in France), on the Britons, as a reward for their services.

* This extraordinary youth was crowned at the age of fifteen ; and was only about twenty-six years of age when he fell a victim to his patriotism. After that event the Britons were driven into Wales, Cornwall, and that part of France which bears the name of Bretagne.

And other virtuous heroes* labouring for the attainment of objects equally rational, and for a certain time they succeeded; but the same *coils* recurred, and soon incorporated themselves in the armies of the conquering *Danes*. It may however, perhaps, justly be observed, that had an Alfred sat at the helm of government when Ewayne attacked the Britans, the latter would probably have been victorious: and here another interesting, but equally simple truth presents itself to our minds, viz. *the very inequality of talents among men is the chief cause of the destruction of governments*. Edward, though belonging to the family of Alfred, wanted the abilities of his great predecessor, and the people over whom he ruled were the sufferers. The restoration of Alfred's descendants, in the persons of Edmund and Edward, lasted only a short time, and their power was extremely limited. The Danes took possession of the island only to make way for the Normans,† and England ever since that period has, by alliances, &c. been united more or less, not

* Those heroes were of different nations, but equally animated with a *sense of duty*, and *the love of mankind*.

† The Normans cannot, perhaps, strictly speaking, be called a nation distinct from the Danes; for as the Normans were composed of many northern nations, the Danes were incorporated among them.

only with France,* but with almost every country in Europe.

We are now arrived at a most interesting period of our history; a period marked by one of the most complete revolutions in manners, politics, and religion, that perhaps was ever known. It matters little whether we admit or not, that the Trojans ever even *inhabited* the island: those who have doubts upon the subject, as I have before implied, may have recourse to Cæsar's Commentaries, and to similar accounts given of the country at about that time; and they will find that the *Romans* were mingled among the Britons, sometimes on friendly terms, and sometimes in open hostility, during several centuries; that the *Saxons* afterwards possessed the island; that the *Danes* had great power in Britain during fifty or sixty years, before the arrival of William of Normandy; that both the Saxons and the Danes submitted to the Conqueror; and that the language, dress, and customs of the French have more or less prevailed in England ever since the memorable battle of Hastings.

William the Conqueror has been called a tyrant, and some of his acts certainly appear to have proceeded from a despotic disposition: but

* In the reign of William II. Normandy was united to England.

When we consider the circumstances under which he took possession of the country, the great superiority of his talents, the serious and almost perpetual opposition which he had to encounter, the various political interests, both foreign and domestic, which he was obliged to secure, and the energy, and persevering resolution which, on all occasions even to his death, he displayed, we must at least admit that *excuses* may be made for actions which, in a situation *less arduous*, would not perhaps have been committed, or if committed, could not easily have been palliated.

The son of a tyrant (for such Earl Godwin appears to have been) had usurped the throne, to the exclusion of Edgar Atheling, who was himself a weak and insignificant man. William was not a stranger to Edward. He had even seen him a short time before his death; and, according to his own declaration to the people, had been *promised* the crown; in that case he had a claim, by being *nominated*.* This claim perhaps co-operated with the consciousness of his talents, and he flattered himself that he should be able to contribute to the aggrandizement and glory of the country. His conduct towards Edgar was extremely mild and generous, and the insurrections which took place

* William II. had also the same claim, to the exclusion of Robert, his eldest brother.

during his absence in Normandy, might perhaps be ascribed to some of his barons, who claimed families and privileges as great as his own.

Let us suppose that William the Conqueror was, *in reality*, a lover of liberty and virtue: it must be recollected, that he was not a ruler over the English people, as Alfred was (or any of those eminent men before mentioned); the people were under the sway of his most bitter enemies, who were vicious and despicable men; and he was attacked on all sides, even by his own children. Had he not acted with great firmness on several occasions, he must entirely have renounced his claims.* I am, however, very willing to acknowledge that his reign (like the reigns of many of his predecessors), was characterized by *political evils* of a very serious kind. Wars, foreign and domestic distracted his country, while oppression and injustice often disgraced his councils. Elated with victory, he waved the sword even among the banners of peace; he sometimes *terrified*, where he might have *persuaded*, and *extorted*, where he might have *received* submission. Jealous of those privileges which he had so

* The conduct also of monarchs in those times, may have been a little misrepresented and exaggerated; either for the sake of recurring to *precedents* to excuse unjust proceedings, or in order to make the actions of successors appear more meritorious.

dearly bought, he *monopolized*, when it was no longer necessary to *contend for*, territories, and preserved his power by the same means which he had employed to obtain it—by force of arms. The character of the king, therefore, was lost in that of the conqueror.*

The feudal system† was, at about this period, introduced into England ; it was brought from France. The estates in that country were either allodial‡ or beneficiary; the possessors of the first were denominated *hommes libres*, or free men; the latter depended on the crown, and their tenants were called vassals. The possessors of the allodial lands, in order to enjoy some privileges attached to the beneficiary, requested to receive them by *tenure* from the Emperor ; but insisted that they

* Domesday Book, however, remains a lasting memorial of his talents for peace as well as war. That extraordinary compilation contains a survey of English lands, their extent, value, quantity, kind, and sometimes the names of proprietors and tenants.

† The feudal system, in its simple form, consisted merely of different orders or gradations of men, who supplied each other with arms : it was supposed to secure the possession of the soil and the allegiance of the people, who in those times were chiefly composed of soldiers; the institution was, however, made subservient to a most detestable kind of tyranny, and in itself has been considered as liable to objections.

‡ Allodial signifies independent; an allodium was a possession held without any kind of dependence.

should be hereditary (which was not the case with the beneficiary lands, till the reign of Charles the Bald). Hence the origin of hereditary tenures.

The Saxon right to tenures of English land, was founded on the following circumstance. Hengist and Horsa preferred receiving land from Voltigern, to living by plunder;* therefore they resided in the county of Kent, on condition that they should assist the Britons in war; they afterwards occupied part of Northumberland, till the death of Voltigern, when they took possession of the island.

Most of the English lands were held by tenure, at the death of the Conqueror.

The right of William II. to the throne, was contested during the greater part of his reign; and his rapacity, added to the baseness of Robert, laid the foundation of serious *political evils*, after his death.

The life of Henry I. may be considered as an interesting moral history; it abounded with vicissitudes: every tyrannical act seems to have been punished, and every virtuous deed rewarded.

He had been persecuted by both his brothers, and not only threatened with exclusion from the throne, but also with actual poverty. His father

* Charlemagne granted tenures of the same kind in Germany, and they were also held in various parts of Europe.

left him a smaller portion than was possessed by many of his nobles, and he was almost stripped of the little he had ; yet he at length obtained the crown of one brother, and all the wealth of the other.

He seems, however, to have disgraced his reign by an act of gross injustice ; by depriving William, * his nephew, of his father's estates in Normandy ; but this proceeding involves political inquiries of a very interesting nature, connected with the times, and with the prior situation of Henry ; and though oppression in any form or on any plea, can never in itself be justifiable, yet we may sometimes, on principles connected with human weakness, palliate the conduct of men who are placed in exalted situations.

After the death of Henry I., the country was engaged, during a period of about eighteen years, in the civil wars between Matilda and Stephen.†

* This brave, but unfortunate youth died at an early age, in exile, but Henry seems to have been punished for his severity towards him, by the loss of his own son, as he was bringing him in triumph from Normandy, after having received the homage of the barons. By a different line of conduct, he might, perhaps, have secured the allegiance of the one, and saved the other for the throne of England.

† The crown of England was at this period closely united with that of France ; Henry I. after having married Matilda, daughter of Malcolm III. espoused Adelais, daughter of the

Henry II.* was delivered from the tyranny of Thomas à Becket only by a murder which tended to impeach his character. He was perpetually attacked and harassed by his sons Richard, Geoffrey, and John, (who even joined Philip, the French King, against him) and the conquest of Ireland, effected by treacherous means, could not make amends for years of painful warfare, and a melancholy death out of his own dominions.

The sufferings of Richard I.,† and the treachery of his brother, extenuate some of those acts which he probably denominated religious; but he appears to have been a fanatic, and as defile

duke of Lovaine, Matilda, the daughter of Henry I., had married Geoffrey Plantagenet, eldest son of the Count of Anjou; and Adela, the mother of Stephen, and sister of Henry I., was the wife of the Count de Blois; Stephen had married a daughter of the Count of Boulogne. Henry II. (Henry Plantagenet) after the death of his father, took possession of *Anjou*, and *Maine*.

* In the reign of Henry II., the interests of the English Monarch extended to four countries, viz. France, Germany, Spain, and Italy. His sons were connected with the first; his daughter Maud married the duke of Saxony; his daughter Eleanor, Alphonso, King of Castile; and his daughter Joan, William, King of Sicily. His natural sons Richard Longsword and Geoffrey, were generally confined to England. Geoffrey was Archbishop of Canterbury.

† The first wife of Richard I. was Alice, sister of the French king.

cient in moral qualities,* as in political virtues.

The manner in which John† ended his reign and his life, was truly melancholy. After a series of contests with the barons, he was obliged to make his escape in an ignominious manner, on the arrival of the French king in London, and died soon afterwards. It is singular that the people of England should owe *any* portion of their liberty to a *tyrant*. The right of electing a mayor and common councilmen annually, was however, confirmed to them in the reign of John; and the Magna Charta,‡ though *extorted*, and filled with much unmeaning and useless matter, remains a proof that the spirit of freedom was not *entirely* destroyed in the corruption of the times.

The Earl of Leicester (who had married the king's sister), was perhaps possessed of more power in the reign of Henry III.§ than the mo-

* His cruel murder of the Jews must be considered with a kind of horror, even by the liberal part of his own nation.

† John's first wife was Avice, daughter of the Earl of Gloucester; his second wife was Isabella of Angouleme, and her children inherited.

‡ This charter was twice confirmed by Henry III.; once by the advice of the Earl of Pembroke, protector, and once at the solicitation of the barons.

§ In this king's reign the French and English crowns were

narch himself. He influenced the barons to refuse their allegiance, and gave rise to that memorable civil war, in which he, his eldest son, and several of the nobility were slain. The Earl of Leicester appears to have been at first influenced by virtuous principles, when he urged a reform in the government; and it can scarcely be supposed that a bad man, or a tyrant, could have sanctioned any meeting of the nature of an English house of commons.

We must attribute some of the measures which Edward I.* took at the commencement of his reign, to *religious prejudices*, which at this period much prevailed in various parts of Europe. He was as great a fanatic† as Richard I., but even

closely connected. He had married Eleanor, the daughter of the Count de Provence; the Bishop of Valence her uncle, was the English minister; a nobleman of Savoy was archbishop of Canterbury; and posts of honour in the state were chiefly filled by Frenchmen and Italians.

* The French and English crowns were united at this period, by the marriage of one of Edward's sisters with the Duc de Bretagne; and the second marriage of the king with Margaret of France; (his first wife was Eleanor of Castile).

† We must, however, while we condemn folly and fanaticism, beware of decreasing that ardour for great and heroic actions, which is so conducive to virtue, particularly among the younger part of society. Richard I. and Edw. I. neglected the interests of their country, which it was their chief duty to promote; the former, by perverting the principles of religion, fell into errors

his mistaken notions concerning religion were less reprehensible than his passion for war, which being sometimes carried TO THE EXTREME, and indulged without any regard to the civil interests of the country, was productive of serious *political* evils. To this cause may, perhaps, chiefly be attributed the distracted state of the government in the ensuing reign. Edward II.* fell a victim to the treachery of his wife. Even those who maintained that kings may be deposed, or brought to trial, must condemn the manner in which that monarch was deprived of his prerogative, and exult in the reflection, that one of the most execrable tyrants that ever disgraced the English councils, a man as much hated by the people as by the nobles, the murderer of Edward and seducer of his wife, should at length have been led to execution, covered with universal reproach and obloquy. I mean Mortimer.

The reign of Edward III. has been considered as one of the most renowned in English history,

which involved his nation into serious calamities; the latter, by a too great anxiety for military fame, laid the foundation of civil wars, and national *disgrace*, in the reign of his successor. Had they been private men, they would have been less culpable.

* Edward II. married Isabella, a princess of France; she was the mother of Edward III. who consequently was almost a Frenchman.

chiefly on account of the conquest of France, and the capture of the French monarch John : who with David Bruce, king of Scotland, were both prisoners at the same time in England : and this was certainly a very remarkable circumstance ; but we must recollect, that after many contests, the king was obliged to renounce his title to the throne of France ;* and perhaps the proud battles of La Hogue, Crecy, Poitiers, &c.† by exciting an improper degree of confidence in the weak mind of his successor Richard II., contributed to the civil commotions which disgraced his reign.

It may here be remarked, that the treachery of monarchs is sometimes the cause of their destruction, when, by an ingenuous mode of conduct they might secure the allegiance of their sub-

* His claims were founded on the following circumstances: Philip the Fair, the father of Isabella, Queen of Edward II., left three sons, Lewis Hutin, Philip the Long, and Charles the Fair; Lewis left one daughter, Margaret, who laid claims to the throne; Edward urged that he was the son of Isabella, that all the sons of Philip the Fair were dead; that a cousin of Philip de Valois was on the throne, and that Robert de Valois, who had married Philip's sister, was an exile.

† I do not, however, speak ironically: Edward III. and his son the Black Prince, owed their success as much to their talents as to a fortunate concurrence of events; and had their enemies been less powerful, they would probably have remained the possessors of France.

jects: Richard II. by forfeiting his word to his people, after the insurrection of Wat Tyler, and by treacherously seizing on the estates of the Duke of Lancaster, after the death of that nobleman (whose son he had exiled), gave rise to those contests which, ended in his ignominious defeat, and death.

The claims of Hereford, Duke of Lancaster, were not confirmed till after several battles had been fought, and many noblemen slain; some have even been disposed to doubt, whether they were *ever*, in a legal sense, confirmed?

The civil wars in the time of Henry IV., were more serious than those which had characterized that of his predecessor; and the vigorous measures which he pursued against some of his subjects, on account of religious opinions, rendered his reign scarcely more honourable than that of the tyrant whose throne he had usurped; for tyranny, in every shape, is detestable.

The above circumstances certainly prevent that degree of satisfaction which we should otherwise feel in reflecting, that the nation was extricated out of the hands of a man, who, in the beginning of his reign, urged his people to take up arms against him, and afterwards afflicted and oppressed his nobles, till they were compelled to act in their own defence.

Henry V. tarnished the glory of his victories by the execution of Baron Cobham* (Sir John Oldcastle). The *political evils* which are produced by fanaticism, may be far more serious in their effects, than those to which ambition give rise.

Soon after the death of Henry V.† the civil wars between the houses of York and Lancaster commenced; and lasted upwards of thirty years.

The reign of Edward IV.‡ was considered by many as merely nominal, and it is certain that during several years, there were two kings, whose claims were equally warmly supported by their respective partizans.

The corrupt state of the parliament at this period, was in no instance more fully proved than

* It may, however, be remarked in favour of Henry, that he did not sanction this measure, till the clergy, by their rigorous proceedings, had obliged Cobham to take up arms against them; he was then, unfortunately, influenced to punish the temerity of that much-injured nobleman.

† The crowns of England and France were still closely united. Henry VI. was the son of Catherine of France, and his uncle, the Duke of Bedford, was married to a sister of the Duke of Burgundy.

‡ The Duke of York, grandson of Edward III. and protector of the kingdom, endeavoured to place his son Edward on the throne; and after several battles with Margaret of Anjou, he was declared king by the name of Edward IV.

by the sanction which it gave to the claims of Richard, Duke of Gloucester, the murderer of Edward, the son of Henry VI. ; of his nephews Edward V.* and the Duke of York, and several other persons, among whom we may mention the Duke of Buckingham, to whom he chiefly owed his crown. The dreadful consequences of a series of wars, usurpations and murders, are strongly impressed on our minds by that single fact !

It is a melancholy truth, that Henry Earl of Richmond,† after he had obtained secure possession of the throne, and destroyed most of his enemies, supported one of the most odious sys-

* There could be no excuse for this measure ; if the claims of Edward V. were doubted, he ought to have been solemnly deposed, and treated with all that kindness and respect to which his age, and the station he had hitherto held entitled him.

† John Duke of Somerset, was grandson, but not legitimate, of John of Gaunt : he was legitimated : his daughter Margaret married Edmund Earl of Richmond, the half brother of Henry VI. and son of Sir Owen Tudor, who had married Henry the Fifth's queen. Margaret's son, Henry, became duke of Richmond, and was afterwards crowned.

It is worthy of remark that the crown, from the time of Edward IV. to the reign of Henry VIII. had been obtained merely by force of arms ; Edward IV. nearly lost his life in wresting it from Henry VI. ; Richard III. committed many murders, and fought several battles to secure it ; and the Earl of Richmond could scarcely be said to enjoy it legally, after the death of Richard.

tems of extortion and tyranny that was ever known: the nobles were equal sufferers with the people; illegal punishments, unjust forfeitures, &c. were frequent, and the parliament was entirely under the king's controul.

The tyrannical acts of Wolsey, and the execution of the Marquis of Buckingham for opposing them, are among the most painful events recorded by historians in the reign of Henry VIII.; yet in the midst of many oppressive and illegal measures, which that monarch is supposed to have sanctioned, we ought not to forget that he punished the detestable agents of his predecessor's tyranny (Empson and Dudley); and had a Pembroke,* instead of a Wolsey, been his adviser in the early part of his reign, perhaps some of the serious *political evils* which disgraced his government, might have been obviated. The virtues of Henry VIII. (if indeed it be admitted that he possessed any) were, however, lost in a medley of folly, cruelty, and injustice, which excites our indignation; and we perceive with regret, that his vices seem to have become stronger as he advanced nearer to the grave.†

* The protector, in the time of Henry III.

† Neither his title of "Most Christian," nor "The Institutions of a Christian man," can reconcile us to the measures which he took only a short time before his death. We must

One of the chief causes of discontent, after the death of Henry VIII., was the state of the lands belonging to monasteries. They had been farmed out to some of the people on moderate terms, but the rents being raised, after the destruction of monasteries, thousands of the poor were driven from their habitations, and many starved.

Edward VI. can scarcely be said to have reigned; but we recur with regret to the persecutions which took place on account of religious opinions, during his short life.*

The oppressive acts, the exactions, the illegal loans, the cruelties and the executions which disgraced the reign of Mary, must ever be remembered with horror by the philosopher and the historian.

Fanaticism seems to have arrived at its height in her reign. It may, however, be questioned whether the severity exercised against some of the Catholics by her father and brother, did not greatly contribute to that unrelenting disposition which appears to have characterized her.

Mary never could have been much beloved by

also highly disapprove of the Court of High Commission, which was instituted when he assumed the title of "Supreme Head of the Church," and the Star-chamber, which existed even in the reign of Queen Elizabeth.

* He died at the age of eighteen.

the people, or celebrated by historians; but had her father's reign been less tyrannical, had the advisers of her brother been virtuous men, and had she taken possession of the throne without a contest, the *crimes* which tarnished her government, and to which there are perhaps few precedents, might perhaps have been prevented. This odious reign, however, may partly account for the *very extraordinary* degree of praise which has been bestowed on that of Elizabeth; whose government, though *comparatively* happy, was accompanied by serious *political evils*,—evils which tended perhaps to encourage the same system of tyranny, only in another form, which had disgraced the former administration.

The exalted situation in which Elizabeth was suddenly placed, after having been carried from prison to prison, and treated with the greatest degree of severity, made her an object of peculiar interest, both to the nobles and the people.* Those circumstances, added to the perilous situation in which she stood, during several years

* The character of Elizabeth may be considered either *in itself*, or *with reference to circumstances*. The *political evils* of her reign, perhaps, chiefly originated in the latter; for she was undoubtedly a promoter of learning, and often an encourager of merit, but distrust, the result of her situation, sometimes checked the hand of generosity, and jealousy, proceeding from the same cause, prompted to severe measures.

after she had taken possession of the throne, may partly *account* for the conduct of Walsingham, which was perhaps founded on extreme zeal for her safety and honour. His policy, however, though it may be *accounted* for, cannot be *justified*; and reflects on his *capacity*, as well as his *integrity*, for he might have effected *the same ends* by more *generous means*.

Francis II. King of France, who had married Mary of Scotland, endeavoured to call in question the right of Elizabeth, by declaring her to be illegitimate. In this attempt her enemies joined; and she was in daily expectation of being dethroned; the exertions of Walsingham certainly contributed to the establishment of her power.

On a retrospect of the memorable reign of Elizabeth, we are compelled to acknowledge that it was characterized by some *crimes*, little inferior in their nature and magnitude to those of the preceding reign; it cannot, therefore, strictly speaking, be denominated *glorious*, in opposition to every other reign. Prejudice and injustice were often discernible in her councils; tyrannical rigour was exercised in the Star-chamber; executions were frequent, and some of the most distinguished characters among her nobles fell victims to her *animosities*. I have

before hinted, that the situation in which she was placed may partly account for her conduct, yet we must acknowledge, that as peace, security, and allegiance, were not allied to her government, it cannot be cited as a *model of political perfection*.

England, however, at the death of Elizabeth, was little disturbed by wars, foreign or domestic, or by civil and religious contests; the treasury was well stored, and both the army and navy were in an affluent state; James I. therefore, had few difficulties to encounter when he took possession of the throne, but he soon multiplied them by his weakness, and the impolicy of his conduct.

He lost the Palatinate and the kingdom of Bohemia for his son-in-law. He was the dupe of Gondemar, and the sport of the Venetians; yet he was one of the most despotic monarchs in Europe, maintaining "that it was *sedition to dispute what a king might do, and that the king was above law*."*

The fate of Archbishop Abbot in the reign of Charles I. must be deplored by all who knew that he suffered for opposing the following doctrines: "That the royal command, in imposing *loans and taxes* without the consent of parliament, obliged the subject's conscience, *on pain of dam-*

* Vide his speech at Whitehall, in 1609.

nation ; and that the king was *not* bound to observe the laws."

To the mistaken measures of Laud, who succeeded him, we may perhaps attribute those destructive wars between England and Scotland, which preceded Cromwell's reign.

The sufferings of Glanville and Prynne, two celebrated lawyers, for having opposed some oppressive loans, are well known.

It is much to be lamented, that the abuses of authority complained of in different reigns (whatever might be the national religion) have been nearly the *same*. In the celebrated petition presented by parliament to Charles I. we find the following remarkable assertions : " That judges had been put out of their places, because they would not pronounce sentence against their conscience, and lawyers abused for doing their duty towards their clients; that new oaths were forced on the subject against law, and new judicatories erected without law ; the chancery exchequer chamber, and other English courts, grievous in extending their jurisdiction ; titles of honour, judicial places, sergeantships at law, and other offices, sold for great sums of money ; whereby the common justice of the kingdom had been endangered, not only by opening a way of employment in places of *great trust* and advantage to men of weak parts, but also by giving oc-

easion to bribery, extortion, and partiality ; that the most public and solemn sermons before his majesty were either to advance prerogative above law, and decry the property of the subject, or full of such kind of invectives whereby they might make those odious, who sought to maintain the religion, laws, and liberties of the kingdom. Many noble personages were counsellors in name, but the power and authority remained in a few of such as were most addicted to this party, whose resolutions and determinations were brought to the table for countenance and execution, and not for debate and deliberation ; and no man could offer to *oppose* them without disgrace and hazard to himself ; nay all those that did not concur in, and actively contribute to, the furtherance of their designs, though otherwise persons of never so great honour and abilities, were so far from being employed in any trust or power, that they were neglected, discountenanced, and on all occasions injured and oppressed."

The *political evils* above enumerated, were soon followed by the impeachment and execution of the king.

A republican form of government, headed by Oliver Cromwell, succeeded those events.

The maxim of Cromwell, *that the employment should be suited to the person, and not the person to the employment*, cannot be too highly extolled ; but both the talents and the virtues of this extra-

ordinary man, were obscured by a degree of inconsistency and fanaticism, which sometimes almost amounted to insanity. The common accusation of *ambition* has very little weight with those who know from experience, and the testimonies of ages, that at least the *appearance* of it has generally accompanied great designs: for this simple reason, because, in order to enforce measures to millions, a person must have influence over them; and this influence has rarely existed, even with the most resplendent worth, and the best *title* to pre-eminence, without a certain degree of outward exaltation.* Cromwell's *ambition*, therefore, was not the most reprehensible part of his character, but a great degree of ferocity, even among friends, sometimes combined with mental weakness, tended to deprive him of his power, and to place Charles II. on the throne.†

During the reign of Charles II. the nation was governed by a set of men called the *Cabal*, who maintained, that the king's edicts were of *more* force than the laws. The parliament made

* The people themselves are always inclined to honour, by some outward marks of distinction, those who have deserved their love and confidence. (Vide Chap. xxxix.)

† Had Richard Cromwell possessed even the merit and abilities of his father, this event would probably not have taken place.

heavy complaints, when, in 1662, the king endeavoured to obtain a *dispensing power*; and after his life had been several times threatened, it is supposed that he died by poison.

In 1686, the parties called whigs and tories began in England: the former were chiefly supported by Lord Shaftesbury, who also maintained the Duke of Monmouth's right to the throne. This was an awful period of the English history. Notwithstanding the assurance of James II. on his accession to the crown (1685), "That it was his intention to carry the reputation of the nation higher in the world, than it had been in the time of any of his ancestors," the people were, during a succession of years, filled with horror by the atrocities of a man,* who is said to have confessed before his death, that his *instructions were to spare no man of courage, parts, or estate!*

James II., like his predecessor Charles, endeavoured to obtain a dispensing power, and gave great offence to the parliament.

The tyranny exercised in ecclesiastical affairs, particularly in Ireland, can scarcely be approved even by the most bigotted; because liberty of

* Judge Jefferies, who died in a miserable situation, and torn by pangs of remorse, after the death of James II. We have heard of mock trials; how many took place in this reign!

person, as well as of conscience, was taken away from the subject, and the freedom of colleges, both in England and Ireland, was totally subverted ; these despotic measures were even carried into Scotland, and those who complained were told that the king's decrees were laws.

It was at this period that the nation looked towards the Prince of Orange (whose father had married the daughter of Charles I.) as the man who was to deliver the people from the most abject slavery. This was a memorable epocha ; and it may perhaps be observed, that the period from the execution of Charles I. to the accession of William III. was almost without a precedent ; the wars between Charles I. and his parliament, the death of that monarch accompanied by forms of law ; the republic established by a comparatively obscure man, and destroyed by the son of the man who had been put to death by its decrees eleven years before ; the claims of the Duke of Monmouth* to the throne ; his wars with James II. ; the succession of a Catholic to the throne, after the inveterate prejudices which had existed, the horrible executions which preceded and attended this measure, and the fate of James II. who, abandoned by his people, took

* The son of Charles II. by Mrs. Walters, to whom it was rumoured that the king had been secretly married.

refuge in the decline of life in a foreign country, and there died. All those facts are of so singular a nature, that, considering the number of years, not exceeding fifty, in which they took place, they excite surprise even in the minds of the most experienced politicians.

William's claim could scarcely be called confirmed, even after the death of James II. ; and it is singular, that he only survived the dethroned monarch one year.

The crown, after his death, remained in the possession of the Stuarts,* who, on the death of Queen Anne, had governed England upwards of a century.

We are compelled to acknowledge, that literature and commerce were in a flourishing state, and that the English nation was both respected and feared by many continental powers in the reign of Anne ; but we recur with regret to some traits of extreme weakness, in the character of that sovereign : she does not appear to have studied the temper of the times, or to have

* James VI. of Scotland, son of Mary, succeeded Elizabeth. His only son Charles I., was consequently the grandson of Mary ; Charles II. succeeded him ; and James II. Duke of York, his brother, was his successor : Mary, a daughter of James II. was the wife of William III. and Anne, her sister, reigned after his death.

foreseen the probable consequences of a Hanoverian succession. Flattered by the adulation of a few sycophants, her attention was diverted from the real interests of the country, and a childish vanity superseded those considerations which ought to have swayed her mind with respect to posterity.

The *political evils* which we so greatly deplore after her death, chiefly owed their origin to the encouragement which she had given to *political* and *religious* parties, a *rage* for which, accompanied by disaffection in various forms, characterized the reign of George I.

The claims of that monarch to the throne were extremely precarious,* and his conduct did not tend to secure the allegiance of the people. He has been accused, and perhaps justly, of having evinced more anxiety to exalt his own, than the country which he was called to govern.

The tyranny of Sir Robert Walpole, (so emphatically described, and so warmly opposed by Sir William Wyndham†) did not contribute to the popularity of George II. Wars and insurrections succeeded each other during his reign, and those who presumed to question the wisdom

* He was perpetually attacked by Charles Edward, grandson of James II.

† One of the patriots of the age.

of the administration,* were denominated *traitors*.

On the death of George II. the British arms were victorious in many parts of the world, particularly in Germany, America, and the East Indies.

In 1762, a peace between England, France, Spain, and Portugal, was signed at Fontainebleau; but the sums sent to troops on the Continent, and other expences attending those wars, had given rise to heavy taxes, and an attempt to tax America, again involved the nation in a serious contest.

The end of the last century was characterized by some of the most extraordinary changes in the politics of almost every nation on earth, that perhaps were ever known.

When Louis XVI. succeeded to the throne of France, a change had already been effected in the politics of that country; and we are inclined to attribute the extraordinary success of the armies in Austria, Prussia, and Hungary, after the revolution, chiefly to the following cause: that the

* This administration countenanced the proceedings of some European tyrants in the East Indies, and other oppressive acts.

† Lord Chatham's violent opposition to this measure is well known.

principles of the conquerors had been implanted in the countries which they overran, previous to the arrival of their armies.

Before I conclude this Chapter, I shall make a few general remarks on the primary causes of those *political evils* which have, more or less, been found incorporated in governments.

During a succession of centuries, we find in reality only two principles pervading governments as well as men, viz. good and evil : the former labouring to establish laws and institutions for the benefit of mankind ; and the latter, aiming to subvert the foundation of human happiness. If we go further into history, we shall discover the same principles, and be able to class many a tyrant with a Harold ; we shall also discover, that the acts of predecessors have sometimes induced monarchs to depart from their maxims of justice and philanthropy, which perhaps they might inwardly cherish.

The contests which usually attend the possession of a country, proceed from simple and obvious causes : the civil wars which take place after the establishment of a government excite most surprise, because, we naturally suppose that when this kind of national association has been formed, war ought to be on the defensive, and all internal contests trifling : It therefore occurs

to us, that there must be some radical defects in governments, which in spite of the exertions of virtuous rulers of nations, and the struggles of the people, prevent the salutary effects which laws are calculated to produce ; the fact is, the men who take possession of a country, if it be not already civilized, have a great degree of responsibility attached to them, and often by mutual consent appoint a ruler ; but supposing *him* to be capable of governing, his successors may be weak men : they may frame unjust laws ; they may corrupt the people whose descendants will more or less be tainted with their imperfections ; in short, time and habit may reconcile to future generations principles which are absurd and subversive of the very ends of a legal government. Let us now suppose the country already civilized on taking possession ; a contest will probably take place, and the new government will be succeeded by despotism ; *unless, indeed, a concurrence of fortunate circumstances, added to uncommon wisdom and virtue in the new legislators, preclude those consequences.* The above, and similar causes, are then the primary ones of those *political evils* which we find even in the early part of most histories ; but there appears to have been as few civil wars, after the death of the supposed founder of Britain, as could possibly be expected in so early

a state of the government; we find his grand-children and descendants building cities, and teaching the arts of peace, instead of ravaging and destroying the countries left to them by their progenitor.

Bladud, who had studied at Athens, built an university and the city of Bath; Mulmutius Dunwallo framed laws which were much esteemed;* the Druids were undoubtedly possessed of learning: Cassibelaunus (the brother of Lud) and Caractacus seem to have been good generals, and universities were established in various parts of the country.

The Saxon heptarchy, I admit, exhibits proofs of ignorance; for the inhabitants of Britain might certainly, at this period, have enjoyed liberty on the basis of a republican form of government. The Saxon heptarchy, however, does not present us with a view of countries united by the principles of truth and wisdom, but a confusion of despotic regulations en-

* From the above, and various other facts of the same kind, may we not be allowed to doubt whether *all* the accounts given by Caesar are valid? and whether he did not, to gratify national vanity, give rather a disadvantageous account of the Britans? Herodion certainly also describes the Northern Britans as naked and painted; but might there not be *tribes* of Britans as there are of Indians, Americans, &c. who were uncivilized, though in some parts cities and laws existed?

forced by the arm of power : The people grossly ignorant, submitted from necessity to their tyrants, but, readily, on the slightest grounds, and when any opportunity offered, took up arms ; not against the invaders of their *country*, but against the invaders of their *rights*. During several centuries some wise and good men were of course found among their rulers ; but vain were their efforts to eradicate effectually those evils, to which a *bad system* had given rise.

From the time of the union of the heptarchy under Egbert, the country was perpetually attacked by the Danes, who were conquered, during a certain period, by Alfred. This prince not only rescued Britain from a state of profound ignorance, and civil distraction, but also from the hands of fierce, but generous* enemies. Swayne afterwards conquered the island, but soon surrendered it to the Normans, whose descendants, it can scarcely be denied, chiefly form the present nation of Englishmen.

From what has been said, it appears, that virtuous statesmen in all countries, and in all ages, have ever endeavoured to preserve the princi-

* The Danish chief Guthrum lived on terms of personal intimacy with his conqueror, which was a proof of his *generous* nature, that could bear to see and acknowledge the virtues even of an *enemy*.

ples of government in their purity ; being aware that the attempts made by a nation to recover its lost liberty, are not only often attended with violence, but when political abuses have been gaining ground by the will of the people, or, at least, without their resistance, the very evils which they have taken measures to obviate not being radically removed, shew themselves again in some form or other ; besides, as it has been justly said, " that every violent effort to subvert a system may give stability by its defeat to that which was intended to be destroyed ;" wise men have sometimes preferred existing abuses to proposed innovations.* It is, however, a melancholy truth, that the longer those abuses continue, the more serious may be the consequences of their abolition.

The celebrated question of Machiavel, " Whether, after the people have become corrupt, *a free government can be maintained, if they enjoy it, or established, if they do not enjoy it ?*" may perhaps be answered in this manner : While the people

* Political scruples, however, when carried too far, remind us of an anecdote related of a king of Spain, who being overtaken by a storm, wanted a cloak to cover him ; the officer who generally placed the cloak on the king's shoulders being far behind, and none of the nobles presuming to offer their cloaks, because it was not their office, he caught a cold, which terminated in a dangerous illness.

are corrupt, they cannot in reality be free;* but they may be able to discern the political causes which have co-operated to the subversion of their freedom: and as in chymistry there are substances and fluids of so subtile a kind, that a very small quantity will change the properties of a multiplicity of mingled materials (while they act on them), so in a corrupt commonwealth, a small portion of the spirit of freedom may, by being properly infused, purify the whole.

* The argument of Livy, relative to the Romans, is very striking, but it is not applicable to the present case. He says, "That the boisterous disposition of that ferocious people, composed of turbulent shepherds, fugitive slaves, and outlaws, was disciplined by Romulus and softened by Numa, so that a race *capable* of liberty was produced." Those, however, who *have* lived under governments, and whose minds have been cultivated and enlightened, *may*, by studying their national character, their history, and their politics, be able to discern the *political causes*, &c.

CHAP. IX.

OF LAWS.

THE first constituent of a law* is to be *good*; the second is to be *clear*;† if laws be in their nature *bad*, it is very difficult not to make them, in some instances, subservient *merely to the dictates of reason*, and consequently to depart from their letter; if they be intricate, it is almost impossible to avoid judging according to circumstances, which requires a considerable degree of ability and integrity; for this reason the obscurities in the common law of England, to which

* The term law, it is well known, comes from a Saxon word, which signifies a command; now it is necessary, in order that a command may be sufficiently powerful to bind a whole people, that it should derive its efficacy from some power *which giveth it the strength of a law*. (Vide chap. vii.)

† Were laws thus universally characterized, the propriety and justice of acquittals and punishments would never be called in question, after they had taken place (which unfortunately has been the case in most civilized countries): the degrees of censure and public atonement would be consonant to the principles of reason and justice; and crimes wholly opposite in their nature, would not be absurdly confounded.

successive acts of parliaments, &c. have given rise, are much to be lamented; not only because they have tended to introduce cavils among pleaders, and discontent among clients, but also because they have prevented the study of the law from being so universal as it ought to be, in a free and enlightened country.*

The custom of *reasoning from precedent*, may, without the greatest care and judgment, be subversive of the principles of justice.

Presumptive evidence ought also to be admitted with great caution, yet were we wholly to reject it, we should probably, in some causes, rather oppress, than afford satisfaction to the injured person.

The good sense and experience of enlightened men must sometimes be substitutes for *mere facts*; and the *weight*, nay, almost the *validity* of evidence, may sometimes be called in question; otherwise a depraved, and villanous combination, might, in certain cases, deprive a meritorious man of his character and his life.

The *interpretation* of the laws is often the necessary consequence of their injustice, absur-

* I am writing in an enlightened age, and therefore it is not necessary to illustrate my assertions by examples. I shall simply observe, that the cases in question involve distinctions which it may sometimes require the utmost degree of wisdom to discern.

dity, and incongruity; for some of the wisest judges have deemed it better to innovate, than to inflict a punishment not at all suited to the offence.

The interpretation of the laws may, however, on the other hand, render persons liable to be sacrificed to the enmity, the prejudices, or the misconception, of their judges.

Laws, strictly speaking, can be *framed, altered, or abrogated only by the will of the people*. Individuals can have no power over them; even an *unjust* law can in reality only be *repealed* by the people.

Hooker in his Ecclesiastical Polity observes, "That by the natural law whereunto he (God) hath made all subject, the lawful power of making laws to command whole politic societies of men, belongeth so properly unto the same entire societies, that for any prince or potentate, of what kind soever on earth, to exercise the same of himself, and not either by express commission immediately from God, or else by authority derived at the first from *their consent* upon whose persons he imposes laws, is no better than mere tyranny: laws therefore they are *not*, which public consent hath not made so."^{*}

*It is singular that Hooker, considering that he lived in rather a despotic reign, should have advanced an argument

The above opinion, which appears to be founded on a deep knowledge of the principles of government, proves, that no command or arbitrary decree relative to the laws can have any legal weight, unless it receive validity from the sanction of the people. How important is it, therefore, that laws should be *good and clear*; for it is a melancholy truth that when they are not so, *habit*, sometimes, gains such an ascendancy over the minds of men, that they have not sufficient *virtue*, or *courage*, to prevent the evil effects of their injustice and obscurity.

The *antiquity* of laws may make* them more *respectable*; but it cannot alone be deemed a sufficient reason, to prevent them from being altered or abrogated; for were this the case, by parity of reasoning, some of the most absurd cus-

which appears to militate against the following principles; that bills assented to by the king have the force of laws; that the king alone can convoke or dissolve the parliament, &c.

* For instance, we involuntarily feel a kind of veneration for the old British laws, when Sir John Fortescue traces their origin beyond the foundation of Rome, and affirms, that neither the Romans, Saxons, Danes, or Normans, altered them; but were they still more ancient, they might not *all* be good; or supposing them, for the sake of argument to be *all good*, they would still be liable to *abuses*.

Even from some of the words in the coronation oath of the English monarchs, it is evident that the "*upright laws*" are alone to be maintained.

tems in the world might claim validity;* and yet none can deny, that an *error* of two or three thousand years, ought to be as much exploded as one of two or three days.†

It is impossible to deny, that when a multitude

* When Tertullian maintains "that to be the most ancient which is most true," he does not mean to imply that *because* a thing is ancient, it is therefore true; but that any principle, though apparently *only* recently discovered, if true, must necessarily be ancient, because it is founded in nature, or on the laws of the creation; but that, on the contrary, if a principle be false, it is not the less so, because it is said to be ancient; for a variety of causes may have contributed to prevent its utter abolition from generation to generation: even though the sagacious part of mankind may have been convinced of its fallacy: the goodness of a law or custom, therefore, cannot depend solely on its "having been used time out of mind."

The following is often a cause of the prolongation of error: after having suffered from tyranny, civil wars, &c. the people have been willing to submit to any system which might have the appearance of freedom, or to offer a *probable* prospect of relief from present evils; besides, when the good of any thing is greater than the evil which attends it, it is often supported till something better is found. The times, in short, give rise to approbation, when it would not, perhaps, under other circumstances, be supported.

† The laws of the Twelve Tables, which were framed when the tribunes of the people abused their authority, were extremely simple; but the Decemviri, who were chosen to put them into execution, unfortunately became oppressors: thus in this case the laws were good, but they were improperly administered.

of unnecessary and almost unintelligible phrases* are incorporated into any code of laws, the opportunities for the exercise of malevolence and partiality become more frequent, and consequently one of the chief ends for which laws were framed, the security of individuals, is defeated; persons of moderate fortunes are materially injured; the poor are ruined by legal processes, and even prefer being the victims of injustice to running the risk of losing all they possess—such are the consequences of those delays, &c. to which needless tautologies and intricacies in the laws have given rise.

A too great respect for antiquity is hostile to the principles of reason, and the discovery of truth.† It creates disputes concerning points

* Tacitus, among other ancient writers, attributes some of the miseries of his times to the *multiplicity* of the laws; which is the necessary consequence of the defects I have mentioned; and considers this circumstance as a concomitant of a most corrupt commonwealth. In truth, when there are contradictions and ambiguities in the law, a judge cannot even adhere to the common oath by which he is bound; i. e. "to do justice to every man, according to the law of the land."

† There is another sentiment of Tertullian on this subject, so extremely beautiful and so much to the point, that I doubt not I shall be excused for offering it, in its unadorned state, and without any comment, to my readers. "*Leges non annorum numerus, nec conditorum dignitas, sed sola equitas commendat.*"

which have perhaps never been ascertained; it makes men refuse to throw off their old chains, though they know that they have long been in bondage; on the other hand, the introduction of fresh shackles is equally to be dreaded.

Next to the *excellence* and *perspicuity* of laws, their *impartiality* ought particularly to be considered; the sovereign can no more direct the opinion of the judge, without infringing on the prerogatives of the latter, than he can influence the proceedings of his parliament, without destroying the principles on which its authority was at first delegated by the people.

Grotius also says, *Duratio temporis naturam rei non immutat.* lib. 2. cap. 4.

It is here necessary to observe, that because a sentiment in the works of any particular author happens to be strongly marked with the characteristics of truth, and is therefore quoted for the sake of illustration, it cannot justly be inferred that we adopt all the principles of the author.

CHAP. X.

OF JUDGES.

As sovereigns give sanction to, so judges administer, the laws; and as it behoves the former to sanction only salutary ones, so it is incumbent on the latter to administer them impartially: judges ought to be unbiassed by circumstances, uninfluenced by opinion, and superior to all selfish considerations: * otherwise opposite or similar principles, &c., might have an ascendancy in judicial matters, and individuals, consequently, subjected to the greatest degree of injustice; for suppose the accused be notoriously known to support principles different from those of the judge; or, on the contrary, suppose the *interests* of the judge to depend, in some degree, on those of the accused, would not his feelings lead him in the one case to *condemn*, and in the other to

* The virtue of the parliament is closely connected with that of the judges; for the latter cannot be deprived of their places, except by the power of the former.

pardon, unless he had determined to be swayed by principles wholly unconnected with private feelings and considerations?*

The situation of judges is, perhaps, in some respects more important than that of sovereigns, for they are the immediate redressers of wrongs, and the avengers of the innocent. If then there exist any who would sacrifice the honour which they have pledged to their countrymen, to views of interest, &c. do they not deserve the execration of mankind more than the most abandoned villains who may be brought before them?

Severe penalties are justly incurred by venal and unprincipled judges; but the most disgraceful punishment which can be inflicted on those who abuse their trust, and trifle with the lives and happiness of their fellow-creatures, is the censure of all honest and good men, from generation to generation.

Bracton, the writer before-mentioned, expressly says, "that kings must choose judges who are learned, who fear God, who are true to their principles, and who hate avarice;" fees,

* On the above principles it is evident, that the *impartiality* of judges is never more fully tried than in cases which relate to sedition and treason: for if they are not thoroughly impartial, individuals may sometimes be sacrificed to *private animosity*.

therefore, for unjust sentences, are considered as inconsistent with the sacred character of a judge.

In English trials, the judge is supposed to have much less power than the jury: his province, strictly speaking, is merely to pronounce such a sentence as may coincide with the judgment of a certain number of men, previously proved to be wholly unprejudiced and unbiassed in the particular case concerning which they are to determine; yet in many cases the sentence is left to his decision, and his *opinion*, particularly in summing up the evidence, may, from obvious causes, have great weight with the jury.

The trial by jury,* however, when preserved in its purity, appears to be one of the most rational and impartial modes of trial that can be devised for the purposes of justice.† It excludes any secret understanding between the

* This kind of trial is said by some to have been introduced by King Alfred, but by others, to have a more ancient origin: the Swedes, and other northern nations, have laid claim to the institution; and it appears to have been known to the Normans before they came into England.

† There is a kind of challenge which enables a prisoner to set aside the whole panel, when he suspects that they are in the interest of the prosecutors; and there is another kind of challenge, which enables the accused to object to only a part of the jury.

sovereign* and the judge; the judge and the grand jury; the grand and the petty† jury; the accused (or the accuser) and the judge; or, in short, between any of the parties concerned in prosecutions; none can legally act under controul.

The simple idea of a jury is, that it should be composed of impartial men, who belong to, and are to be returned into, the body of the commonwealth, and who are consequently liable themselves to depend on the impartiality of their countrymen on a similar occasion.

* Prosecutions are generally carried on in the king's name; and a great portion of the judicial power is supposed to reside in him.

† It appears a question of some importance, whether the power of appointing a petty jury ought, in English trials, to be vested in any officer immediately connected with the crown?

CHAP. XI.

OF SEDITION AND TREASON.

IT is very difficult to determine with respect to *sedition*; the writings of some of the most eminent historians and politicians having been deemed *seditions*, not because they *supported*, but because they *opposed*, measures subversive of the laws of their country; calm appeals to the government, founded on the primary principles of its authority, have also sometimes been called attempts to resist the civil power, consequently *seditions*; and a wish to rectify abuses, and to restore the constitution to its purity, has been thus denominated, though openly evinced in parliament, on the plea that it might lead to anarchy.*

It is evident, therefore, that the judgment pro-

* Sergeant Glynn, in his admired speech in favour of Woodfall (who was prosecuted for publishing Junius's Letter to the King) justly observes, "that the public acts of government, ought to lie open to public examination, and that it is a service done to the state to canvass them freely."

nounced concerning *sedition* may not only be extremely unjust, in particular cases, but generally speaking, tend to undermine the legal rights of the people; for if the liberty of political inquiry, a power to address the sovereign,* and opposition to tyranny be taken away from them, arbitrary will becomes the main-spring of their government, and they cease to be free.

Sir William Blackstone justly observes, "that treason imports a betraying, treachery, a breach of faith;" and Dr. Johnson defines it to be "an offence against the dignity and majesty of the commonwealth." Admitting either of those definitions to be just, may it not be extremely difficult, in some cases, to ascertain the crime? For is not an attempt to *subvert the principles of*, almost

* Blackstone says, "That to vindicate those rights (political rights) when actually violated or attacked, the subjects of England are entitled, in the first place, to the regular administration and free course of justice in the courts of law; next to the right of petitioning the king and parliament for redress of grievances; and lastly, to the rights of having and using arms for self preservation and defence." (Blackstone's Comm. Book 1.) But besides the rights above mentioned, which are possessed by every subject of Great Britain, a privilege of appealing to the nation at large also exists; so that ample redress is allowed each individual, as well as the people considered as a *body*, to infringe on the rights of either, is tyranny.

as deserving the name of treason, as an attempt to overthrow a government? And may not associations formed for the purpose of secretly undermining, more justly be denominated treasonable, than associations formed for the purpose of openly defending, the rights of the people?

The notions concerning treason have at different periods of the English history been as vague as the judgments pronounced have been erroneous, both in a legal and in a mere rational sense. The statute of the 25th of Edw. III. may perhaps be deemed more conclusive than any other; but it is not satisfactory, giving to the king and parliament in future, power to decide, whether an act should be judged as treason or felony? In the reign of Richard II. it was denominated treason to kill an ambassador, or even to purpose the killing, or deposing the king, without any overt act: yet he was deposed; a proof that violent measures have little effect in preventing offences.*

In the reign of Henry VIII.† new treasons were

* This inference deserves particular notice: it is one of those inferences which must necessarily and immediately be drawn from the fact stated: it involves an universal principle and a syllogism, viz. tyranny tends to deprive kings of their power; Richard II. was a tyrant, therefore Richard II. was deprived of his power.

† In this king's reign it was denominated treason, to declare

invented; among which stealing cattle by *Welshmen*, was not the least absurd. This deviation from the original meaning of the word, was of course productive of great confusion and misunderstanding in courts of justice. Treason, in its political sense, evidently signifies the delivering up a country into the hands of enemies, knowing or believing them to be such; and from thence arose another kind of treason, viz. assassinating, or attempting the life of the sovereign or chief magistrate. All other acts supposed to be treasonable, may perhaps be reduced to those which have been denominated by Sir William Blackstone "constructive treasons."

either Elizabeth the daughter of queen Anne, or Mary, the daughter of queen Catharine, legitimate.

CHAP. XII.

OF SECRET INFORMATION.

SECRET information has been supposed by some to be not only useful, but a necessary support, to a government. I question much the truth of this principle, even in a tyrannical, but it is certainly not applicable to a free, state; in both cases a blunt weapon, Ignorance, is turned into a sharp sword, Cunning, which may as well be directed against those who employ, as against those who are wounded by it. The man who betrays one of his fellow-subjects to-day, for venal purposes, might betray his sovereign to-morrow, for the same purposes: when all faith between man and man is broken, power can only be maintained by the most degrading means; and weak and corrupt indeed must that government be, which owes its support to such means! It is scarcely worth preserving, if such is the general disaffection towards it, that the infringement of every principle which ought to be dear

to its citizens, is deemed allowable for the purpose of supporting it.

The attachment and the unanimity of a people are the only *real* securities against those evils which secret information is supposed to prevent; the punishment of individuals does not remedy them.

Can it be seriously maintained that the expedient* formerly used in Venice to discover disaffected persons, secured the allegiance of the people? or that the *men†* who were most actively employed on such occasions could inspire them with reverence and esteem for their employers? Could that policy be called wise, which opened such a field for false and suborned witnesses?

The two following consequences ever attend secret information: the oppression of innocent and even meritorious individuals, who may be the victims of private prejudice; and the introduction of false swearing for lucre; both of which

* Marble lions were placed in different parts of St. Mark's Palace, &c. and through their mouths secret information was received; the mouths corresponded to boxes below them, into which billets of accusation were thrown: the boxes were searched by the chief magistrates of the different divisions, and communicated to the state inquisitors; the spies then substantiated their accusations.

† Those men were generally among persons who had been condemned to death for crimes.

tend to sap the foundation of public and private virtue: the circumstances which are often connected with the first consequence are extremely distressing; for those who happen to be the objects of oppression, have not the advantage of seeing their enemies, who, if they were questioned concerning them, would perhaps affect almost a total ignorance even of their existence:* nevertheless many serious evils may accrue to the sufferers: if they occupy dependent stations, their places or their livelihoods may be taken from them, they know not why; if independent, their plans, whether relating to wealth or fame, may be frustrated, by the most unfair means: if they are driven by a sense of unmerited injuries, to commit acts of violence, they are considered as dangerous members of the community; their conduct is represented as the result of their principles, and they are pointed at as examples of folly and error: thus, in all situations, they are subjected to censure, and sometimes attempts are made to throw odium even on their friends and adherents. Such are the melancholy consequences of *secret information*: and when we consider that they may be produced by the

* The brave Tartars used formerly to put their names to their arrows, that the person attacked might know his adversary.

perjury of persons in extreme want, or by the pusillanimity of those who are conscious of having injured the oppressed party, and fear retaliation ; or, finally, by the baseness of some who hope to obtain advantages over the sufferer, by endeavouring to impeach him ; we cannot help lamenting that a custom which affords such a wide scope for injustice and falsehood, should be sanctioned in *any* country.*

* What opinion should we form, in common life, of a man who would overwhelm another with blows, in a situation in which his victim could not return his attacks—nor perhaps discover the hand that struck him : would not even cowards forget for a moment their nature, and blush at such a spectacle ? Not less dastardly is the kind of oppression which is here alluded to.

Let us coolly consider the situation of a man who is the victim of secret information : he has perhaps been weakened and dispirited by unfair treatment, previous to his being brought before a tribunal, already prejudiced against him ; he is confused by his situation, and agitated by the apprehension of not being heard ; he has perhaps, only a few simple facts to urge in his defence ; *striking* facts it is true, which will probably speak more forcibly to the hearts of his judges than a *cloud of witnesses* ; but, *should* he fall, by what appellation could we distinguish his assailant ? The highwayman plunders ; he sometimes, in case of resistance, takes the life of a stranger, but he risks his own by the act, and he probably aims only one blow ; the secret informer has struck hundreds of blows, perhaps, before his adversary has even encountered him ; he has robbed him of more than wealth—more than life during successive years—

The modes sometimes employed by secret informers, in order to betray and impeach their associates, cannot be too severely censured ; they seem themselves to be unguarded, and after having engaged their companion to speak openly, they denounce him ! Having gone further than him in every assertion, which they suppose may be deemed of a seditious tendency, they secretly endeavour to deprive him of his *character*, his *safety*, and perhaps his *life* !! There is something so cowardly and base in this mode of proceeding, that it cannot fail to meet with the concurrent detestation of all virtuous politicians, though their principles may, in *other* respects, differ.*

Those who are thus employed do not consider that it may, perhaps, be *their* fate some time or other, to receive the Cyclop's present;† but and perhaps enjoyed a tolerably fair reputation. Let every unperturbed mind declare which of the two assassins is most deserving of punishment.

* It may be justifiable in times of war, among enemies, in particular situations, and in a general manner, to take precautions ; but those precautions can never involve the despicable kind of *treachery* to which I have alluded.

Even stratagems of war are liable to rules which a brave and honourable enemy would almost deem sacred, even though interest might oppose his scruples.

† Polyphemus, the Cyclop, having drunk some wine which Ulysses had given him, said that he would make him a present in return : this *present* was a promise that he would eat him

whether they escape or not, it is certain that, abstractedly considered, *secret information* is not only infamous in its nature, but a proof of the *weakness* of a government, and *the want of virtue* in a people ! for *strength* gives energy to the proceedings of the former ; and *virtue* produces *voluntary* obedience to what is just and necessary, in the latter.

last of all his companions : thus (if the *metaphorical* be brought to a *literal* sense) those who receive benefits, sometimes repay their time-serving friends. Ulysses is supposed, in the fable, to have offered Polyphemus wine, from an apprehension lest he should eat him ; but he only procured a delay of his sentence, from a being who consulted merely his appetite and selfish feelings.

CHAP. XIII.

OF OATHS.

It appears from several ancient authors, that the early races of men did not sanction oaths,* supposing them probably to be useless among honest men, and not binding among rogues. There is perhaps truth in this principle; yet it has been affirmed by some, that as *sensible objects*, particularly when religious notions are attached to them, have a powerful effect on the minds of the people, the solemn ceremony of calling the SUPREME BEING to witness an attestation, accompanied by *formalities* and *ceremonies*, may deter the ignorant and the unthinking from giving a testimony, founded on the suggestion of self-interest or resentment. The above argument is plausible: but may it not lead to dangerous conclusions? For instance, might not those *igno-*

* One of the oldest expressions extant for an oath, signifies merely to *give security*: now an honest man's word is sufficient security, both in private life and in a court of justice; an oath is a *declaration* which includes a *security* for the truth or falsehood of any thing.

rant and *unthinking* persons, who it is supposed would be restrained by certain formalities and ceremonies, from being swayed by *self-interest* or *resentment*, might not those persons, from their *ignorance* and *want of thought*, be sometimes tempted to attach a greater degree of importance to the outward concomitants of an oath, than to the inward state of their minds? Might they not be prone to affix little value to common assertions in the daily affairs of life, and to suppose that they were rendered less important because not accompanied by the formalities, &c. before alluded to; in short, by rendering the nature of testimony less abstract, do we not decrease its moral weight?

I humbly submit the above queries to the judgment of my readers.*

* It is certain, that many nations have been in the habit of using, on certain occasions, particular phrases, in order to give force to their assertions: and the meaning of the following words, *I swear* (or give security) *by*, signified that the thing mentioned, which was always deemed sacred, would as soon be violated, as the promise or assurance given. "How much more sacred then," say the advocates for modern oaths, "is *that* by which we swear, than any other thing which could be fixed upon to give validity to our words!" There is much plausibility in this argument, and yet it perhaps might justly be said, in conformity with the principles laid down in the Chapter, that unless the individual were influenced daily and hourly by the

precepts contained in the book by which they swear, their word, though given in a public form, would be, in reality, but a precarious kind of security. The fear of punishment might prevent them, at the moment, from saying what was false, but the hope of reward might afterwards induce them to contradict even the truth.

C H A P. XIV.

OF TORTURE.

HAPPILY for mankind, the inhuman custom of putting to the torture, in order to extort the confession of crimes, is abolished* in most parts of the world: its injustice with respect to the *innocent*, and its general inutility with respect to the *guilty*, must be obvious; the same *causes*, viz. *weakness* and a *sense of pain*, might influence an innocent as well as a guilty man to make such a confession as would be sufficient to convict him: but both the one and the other might be inclined to retract their words when set at liberty.

* I mean abolished in the strict, and usual, acceptation of the word; for undoubtedly means have sometimes been secretly employed to force confessions from an individual, which may, perhaps, be considered more cruel than an open mode of proceeding. SECRET torture, like SECRET information, is however an evil which belongs only to corrupt governments: the humane treatment of prisoners, and even of condemned criminals, has ever been enforced, not only by virtuous statesmen, but by eminent lawyers in all ages.

It appears a paradox that the torture should ever have been called *lawful* ; for it is intended to force such an avowal as may render an individual liable to a punishment inflicted by the laws for some supposed offence. Now supposing the person to be *innocent*, a cruel punishment has already been inflicted on him, and he has no redress : it is well known that *weakness*, and a *sense of pain*, will sometimes induce persons, just before their death, to magnify every error of which they have been guilty into a crime ; particularly if they are surrounded by those who favour fanaticism : the dread, the uncertainty of futurity, co-operating with the sufferings of the moment, urge them to make concessions, which in the hours of cool reflection they repent having made. When irritated organs are violently and repeatedly operated upon by any particular ideas, it sometimes happens that persons will talk incoherently, and convict themselves of offences of which they are wholly innocent ; but when reason returns, it is easy to convince these unfortunate sufferers that they have *judged falsely* : thus may it be with an innocent man who, when put to the torture, *confesses, in moments of frenzied insensibility, that he is guilty* : his remembrances of the past, and perceptions of the present, are confused, and the mere wish to escape the sensa-

tions of the moment, influences him to convict himself. It is evident, therefore, from what has been said, that the expedient of putting to the torture is useless for the *purposes of justice*, and it is unnecessary to enlarge on its INHUMANITY.*

* I here offer to the minds of my readers some very ingenious problems of Beccaria, relative to the subject of the Chapter, which may perhaps throw a light on my arguments.

1. The force of the muscles, and the sensibility of the nerves of an innocent person being given, it is required to find the degree of pain necessary to make him confess himself guilty of a given crime.

2. I, the Judge, must find some one guilty. Thou, who art a strong fellow, hast been able to resist the force of torment, therefore I acquit thee; thou being weaker, hast yielded to it, I therefore condemn thee. I am sensible that the confession which was *extorted* from thee has no weight, but if thou dost not confirm by oath what thou hast already confessed, I will have thee tortured again.

3. The law by which torture is authorized, says, man be insensible to pain; Nature has indeed given you an irresistible self-love, and an unalienable right of self-preservation; but I create in you a contrary sentiment; an heroic hatred of yourselves; I command you to accuse yourselves, and to declare the truth, amidst the tearing of your flesh, and the dislocation of your bones.

4. Thou art guilty of one crime, therefore it is possible that thou mayest have committed a thousand others; but the affair being doubtful, I must try it by my criterion of truth. The laws order thee to be tormented because thou art guilty, because thou mayest be guilty, and because I choose thou shouldst be guilty.

CHAP. XV.

OF INFLUENCE.

WHAT is generally denominated *the interest* of a family (or families) extended to an individual, is a precarious *kind of influence*, both in its nature and duration, unless it be founded on some merit in the object: it is in reality very feeble, with reference to the public, though it may be successfully employed with a few; the *interest* used in support of an *erroneous system*, or a *bad author*, is equally weak; it may for a certain time produce the desired effect (perhaps to the detriment of some meritorious person), but the good sense and candour of mankind will at length procure justice for the injured party. In order to render influence *permanently* effectual, it is necessary that those who are to be benefited by it, should either be characterized by some virtues or talents, and thus individually entitled to esteem, or that they should be recommended to notice on principles of justice and humanity, as in cases of calamities, ill health, &c. This

kind of influence will, generally speaking, be effectual, even after the death of those who have employed it ; but it is impolitic, as well as unfair, on any other grounds to exert power over the human mind, in matters which relate either to persons or things. For, first, suppose the power be exercised with respect to *persons* ; the discovery of a false judgment, pronounced in consequence of false representations, induces the deceived party to be more confirmed in the contrary opinion, than he would have been had he adopted it without opposition ; pride co-operates with resentment, and urges him to throw the greatest degree of odium on the calumniator, and often to become the zealous friend of the injured person : thus the *end* of a calumny, which was to ruin an individual, is not only defeated, but actually turned to his advantage.

Secondly, suppose the power be exercised with respect to *matters of opinion* ; the discovery of false assertions, and false reasoning, relative to any system or principle, or to any proposed measure in favour of, or against, that system or principle, makes the individual who has been thus deceived more vehement in opposing the arguments of his antagonist, than he would have been, had his judgment not been counteracted ; thus an opponent, instead of a partisan, is made.

But even admitting that he continues in an error, how weak and contemptible is that power which owes its existence to such means ! it may be shaken and destroyed in an instant, or turned into implacable hatred.

The above hints merely relate to enlightened minds ; the advantages which accrue from deceiving the ignorant are still more precarious. What confidence can be placed in senseless beings, who utter imprecations against some, and speak loftily of others, without knowing why ; who praise and blame in a breath, and who would perhaps as easily be influenced to exchange curses for blessings as blessings for curses, not having any foundation either for their affection or resentment, nor any reason for their conduct, except that they have been *told*, without any reference to the merit or demerit of the persons in question, to support some and oppose others ? It is obvious that neither individuals nor a state can derive any real security from such advocates, or such opponents ; it may therefore be laid down as a principle, that it is not good policy to vest any particular set of persons, however signalized for learning or affluence, with authority to reduce some men and measures to utter contempt, and to exalt others ; not from a conviction of the insignificance of the

one, or the merit of the other, but from prejudice and party rage.

In all cases of importance, whether relating to persons or things, the public mind ought to be free and unbiassed, in order to prevent the fatal effects of prepossession and private animosity. Those individuals who, from excessive stupidity, or an extraordinary vicious state of mind, are incapable of judging, ought to remain neuter; since it is evident that their assent or dissent cannot give validity to, or destroy the force of, any measures proposed; but, according to the principles which have been laid down throughout this Essay, the number of persons so circumstanced ought to be very limited.

Influence with respect to authors, and through the medium of the press, may also be considered not only as highly reprehensible in itself, but as illegal. An author may be injured in the public opinion by the two following means: First, by the misrepresentation of his character; and secondly, by the misrepresentation, and consequent abuse, of his principles. In the former case he is alternately held up in a ridiculous and odious point of view; in the latter case every sentiment is carried to an extravagant length, and the jokes of the satirist are sometimes mistaken for the absurdities of the person against whom they are aimed.

Thus he is overwhelmed with abuse before his book has been fairly perused. It must be admitted that *any* system may, by *such* means, be rendered unpopular, without error in the author, or malignity in the public; even knowledge itself may be disgraced; for it is easy to introduce into a book a *loquacious pedant*,* who disgusts by his blunders and impertinence, and thus to favour a notion among the ignorant, that it is not worth while to pursue what may lead to so much *folly*. Another abuse of the principles of an author consists in carrying them into practice in *such a manner* as to make them appear highly *absurd*; this is effected by choosing such persons to *profess*, who are likely to throw ridicule on them. For an instance, I will advert to the principle of liberty. In order to shew the danger and *fallacy* of it, *brutal excesses* are suffered to be committed by some vicious, and perhaps suborned persons, among the lower classes of society, who excuse their conduct by saying, *This is liberty!* Nothing, however, in reality, can be more adverse to that principle than outrages and

* This expedient may be allowable, if employed (as it often is) to ridicule in a general manner folly and ignorance; but it is certainly reprehensible when it tends merely to vent the spleen to which a difference of opinion may have given rise.

cruelty: the same mode of reasoning may be applied to all other abuses of a true principle.

I shall now consider that kind of influence which is employed merely through the medium of the press; it is perhaps *most* deserving of reprobation, for a multitude of individuals are thus unfairly prejudiced against *one*, who cannot perhaps defend himself, or who is even ignorant of the attack. It is therefore much to be desired that persons of liberal and impartial principles should have sufficient *influence* (*for influence becomes in this case virtuous and justifiable*) to prevent cowardly and indirect libels, which can only be answered by the same kind of malignity, and consequently must be considered as irreparable injuries done to the milder part of mankind.

The press being the medium through which facts and opinions, highly interesting and important, are made known to, and circulated among, millions, ought to be under no controul, except that of Reason; in thus setting limits to the power which is to rule over it, we not only repel the indirect* attacks of malice, and private enmity, but we favour the dissemination of principles which prejudice would suppress, and tyranny destroy.

* We must distinguish between the open appeal of the aggrieved party, and the anonymous libels of the aggressor.

And here it may not be improper to observe, that if influence, exerted over the minds of the people with respect to any system or principle, be unjust and tyrannical, an attempt *utterly to suppress* that system or principle, is not only *unjust and tyrannical*, but in the literal sense of the word, *illegal*.* Hence when a meritorious person has devoted much time, which might have been employed in a more lucrative manner, to some plan of obvious importance to human society, it is unfair either to take away all merit from, or to disregard, the author; every uncorrupted mind must be struck with the injustice of such a proceeding, which not only injures the sufferer, but damps the incentives to industry in others who may witness his fate,

I allude chiefly to those who bring plans for the inspection of government.

What must be the sensations of a man of a liberal education, but reduced by misfortunes to a state of penury, who applies repeatedly, but in vain, for his little property; perhaps the hope of his family; the fruit of his fortitude and his virtue; which he has obtained by days and nights of painful application; while helpless infants, at each line that he traced, unnerved his heart by cries for bread! What must be his sensations? *He applies repeatedly, but in vain!* He receives

* Vide Chap. xxii.

cold repulses; is referred to one and to another, while despair or deep dejection is fixed on his emaciated countenance: he wanders about day after day; the scanty meal, procured perhaps on *credit*, is deferred till evening, and his babes cling round their agonized mother, repeating the name of *father*. He returns to his afflicted family—the friend of his bosom, the partaker of his cares, questions him concerning the result of his applications. Alas! What can he say? What can he do? If he complain in an open manner, his present hopes are blasted—if he be driven to acts of violence, he is a ruined man. A few days, however, end the dreadful conflict—he is a *wretched suicide*—and what heart, not callous to the feelings of nature and humanity, will not heave a sigh at his undeserved misfortunes!*

A multitude of similar instances might perhaps be imagined of individuals who, in consequence of disappointments relative to plans of a public or private nature, which they have submitted to government, terminate their lives, either in the manner above mentioned, or in a jail. I should not have enforced my arguments on the

* This picture, though imaginary, is perhaps, not too highly coloured even for common life; and it may tend to enforce, on principles of justice and humanity, the necessity of the precautions which have been humbly suggested at the close of the chapter.

subject by so striking a picture, were I not inclined to think that mistakes, and want of thought, more than depravity, often occasion the evils which have been mentioned; and this perhaps is the case with respect to other abuses of a similar kind.

It appears, according to the principles which have been laid down, that the most scrupulous punctuality is necessary with respect to plans either of a civil or a military nature, which may be presented to government; the names of the persons who bring, or send them, ought to be regularly registered; a stated time fixed for a decisive answer; the greatest delicacy shewn, if they are not accepted; and the most cheering encouragement given, if they are deemed good and important: no partiality evinced on any occasion, but the plans examined abstractedly, without any further inquiries concerning those who have offered them (either in person, or through the medium of another), than rigid justice even to themselves, (with reference to the plans or works in question, and for the purpose of preventing imposture*) may render necessary.

* I am thus explicit, because I wish to enforce, that the same power which secures our persons and pecuniary possessions from violence, ought also, to prevent the possibility of fraud or injustice with respect to what may, in some cases, be even of more value than personal safety, or the unmolested enjoyment of property. (Vide chap. xxii.)

CHAP. XVI.

OF BRIBERY.

BRIBERY appears to be founded on the following principle: after having undermined the integrity of a man, a degrading equivalent is offered to him for the loss of it.

The progress of venality among the lower classes is very gradual; a bribe is at first rejected with indignation by an honest indigent person, and he prefers his poverty to the forfeiture of his honour; but he perhaps sees some of his former associates, whom he remembers in want, raised to comparative affluence,* by the means which *he* has disdained to employ; the idea of escaping contempt begins to operate on his mind; he perceives that he is neglected; while some of his more fortunate companions are flattered and courted: he makes a step out of his path, and finds that he gains some worldly consequence by

* It is evident that I am now speaking of individuals in a corrupt government; and am considering bribery as a concomitant of corruption.

it: he advances, and perhaps becomes affluent—feasts every day, and endeavours to chase away reflection: yet in this man some impressions of virtue still remain, and it is obvious that, had not the temptations to err been very powerful, he would have remained honest. The *system* of bribery, therefore, is much more to be condemned than those who are corrupted by it: *they* are in reality often objects of pity. So odious is the name of a bribe among the lower classes, that they are always anxious to excuse obedience to those whom they despise, on the plea of necessity, and will seldom confess that they have been venal. A distinction however must be made between a *benefit* and a *bribe*; or between the honourable rewards* held out to industry and virtue, and the base incentives offered to idleness and vice. Offices of

* I have before hinted (Chap. iv.) that military rewards ought to be proportioned to risks run, sacrifices made, &c.; consequently, *rewards* received after having endured hardships in foreign countries, &c. do not subject an officer or a soldier to any dishonourable imputation, even though they may not, perhaps, fully and entirely approve of the reasons given for the particular service in which they have been engaged; we have no right to affirm that they have been *bribed*; we have no right to call them to account, either for their future conduct, or political principles, *as having a reference to that service*: they have performed their duty, and punctually fulfilled their engagements; but they have been bound only by a sense of duty, and a principle of honour, not by *bribery*.

friendship, kindness, or humanity, must also be distinguished from bribes ; for it is evident that reciprocal accommodations are founded on rational principles, and that they are necessary even to the very existence of society ; the motives of, or the end proposed by, the person, are solely to be considered, for those constitute either a bribe or a benefit ; besides the duty which is incumbent on us to make each other happy, we have also a right to promote our own good and interest by justifiable means : policy is not incompatible with perfect rectitude ; but we must adopt a kind of policy which tends to concentrate the wisest maxims for private conduct and private enjoyments, with the happiness and well-being, not only of the individuals with whom we may have particular dealings, but of the community at large.

CHAP. XVII.

OF THE DIGNITY OF THE PLEBBIAN CHARACTER.

SOME respect is certainly due to men, to whom a state owes its formation and support; means of instruction as well as of subsistence ought to be afforded them; for it is a melancholy fact, that the crimes, which are sometimes imputed to the lower classes, have their origin as much in ignorance as in penury; the former, by checking those noble exertions which lead to industry and independence, gives rise to the latter; and jointly, after having long operated on uncultivated minds, at length produce that *vindictive* spirit which sometimes displays itself in popular commotions, and is so much and so justly dreaded by all those who possess humane feelings; but our pity for the sufferings of individuals, and our indignation at the acts of an incensed people might often have been spared, had the aggressors received proper encouragement to be peaceable members of the community. Those alone who understand the nature of that compact which en-

forces benevolence towards each other, and obedience to the laws, can be expected to be mild and tractable in a case of public emergency; it is, therefore, as much for the good of society that the lower classes should be *instructed*, as for the honour of the nation that they should be *allowed the comforts of life*; little confidence can in general be placed in those who exist in a state of *extreme ignorance and poverty*; for their submission, being the result of necessity, ceases when that sole and powerful principle no longer operates on their minds.

The impolicy as well as injustice of urging the lower classes by mismanagement or ill usage, to commit crimes, and then punishing them severely for the very excesses into which they have been driven, must be obvious: Is it not more rational to make them responsible members of the commonwealth, by affording means of improvement, distributing blessings, and promoting emulation among them? It is desirable that each individual in a free state, should feel himself interested in the honour and prosperity of his country: he should be ready to oppose its enemies on a principle of *self-defence*, as well as on a principle of *duty*; numerous instances might be adduced of great and populous nations among the ancients, which fell into the hands of ene-

mies, merely from *want of attachment in the inhabitants*. The success of the Romans against the combined forces of their enemies, may, in several instances, be almost wholly attributed, to *the attachment of the soldiers*; and that attachment was the offspring of a government which, generally speaking, tended to nurse the seeds of virtue, and to strengthen every inherent propensity to great and good actions.

It appears to be a false principle *that any thing will do to fill up the ranks*: a small number of men have sometimes conquered thousands, from their superiority *as men*; and experience justifies the supposition, that the *strength of a nation depends more on the nature, than on the number of its inhabitants*.

The vices, stupidity, and folly which have been ascribed to the common people may certainly, in some cases, be imputed to the injudicious management of their rulers. If we advert to the earliest records, we shall find that piety, charity, friendship, hospitality, generosity, patriotism, and other sublime sentiments, were known among men. We may see extraordinary instances of refined virtue, even among savages, who existed in huts, and were supported by the labour of their hands: we may discover inherent principles which, if cherished and encouraged, could not

fail to produce valuable members of society: we may perceive qualities which perhaps a high degree of civilization has only tended to suppress; and (if we except some parts of Herodotus and Diodorus Siculus, and give credit to authors whose object it was rather to *exalt* than to *degrade* human nature), we may see proofs, *that in those times, which have been denominated barbarous, men reasoned, and were spontaneously actuated by principles which ever were, and ever will be, unknown to brutes.* Even among the Africans, who, till very lately, were considered as savages, examples of heroic sentiments have been known and acknowledged, even by their enemies. Among the common people in all countries, we see some, who in the lowest situations, and with a constant exhibition of vice before their eyes, rise superior to every disadvantage, and discover those characteristics which were impressed on their minds from their birth: nay, even those who have been brought up from their infancy among thieves and murderers, have, nevertheless, sometimes shewn signs of their original qualities, which were *smothered*, but not *destroyed*, in corruption.

Nearly the same principles which may be applied to the conduct of *natives* towards foreigners,*

* Vide the next Chapter.

may also be advanced in favour of a liberal behaviour towards those, who from causes not connected with their *will*, have been born in a state of poverty, and subjected from their childhood to hard labour.

We have no right to despise any person, *merely* on account of external circumstances; for we know not from what ancient hero, even the tattered beggar may have sprung, or what seeds of virtue may be hidden, which future years, nay ages (according to the principles laid down) may unfold.

Knowledge is different from learning; it is not the latter which could ever reasonably be recommended to the *bulk of the people* in any nation; but we may observe, that those among the lower classes, who have been accustomed to explain and reason on the *primary* principles of religion and politics, generally possess GOOD SENSE, which has not always been found coupled even with the most *profound learning*; and it is almost impossible to deny, that persons who are engaged in trades, regulate their concerns with more propriety and punctuality when they have attained to the *degree* of knowledge mentioned, than when they are immersed in *ignorance*. This rule holds good from the cobbler to the opulent merchant.

Those, however, who are not advocates for the

extension even of *knowledge* among the lower classes, must at least allow that they are susceptible of *virtuous feelings*; to prove this fact we need only observe, that they are unanimously prone to applaud a noble sentiment, in a theatre, or elsewhere, though they might not, perhaps, if questioned, be able to explain the *meaning* of it, and though it might the next day be almost, or wholly, forgotten. The truth is, for a certain time they appear altered beings, and even experience a consciousness of the existence of *distinct principles* within them; but we need not employ elaborate arguments to prove that they are *suceptible of virtuous feelings*, when the pages both of ancient and modern history will convince us of the fact: yes—the common people, in civilized countries, like the savages in woods and deserts, are capable of virtue, though they may, from a concurrence of causes, be to all appearance stupid and insensible when not roused by oppression, and ferocious to a dreadful degree, when irritated.

C H A P. XVIII.

OF FOREIGNERS.

What is a foreigner ? A person not born in the same country in which we happen to have been born. This is a vague definition,* particularly when we consider the general intercourse which has subsisted between all the nations of the globe,†

* It would, however, be difficult to find a more clear and satisfactory definition, or at least one which would not *necessarily* bring us to the *same point*.

† There were Greek cities formerly in which Greek was spoken, in some parts of Africa ; the Romans extended their empire into Africa, Asia, and Europe, and the four quarters of the globe have been so united from the great extension of commerce, that we may perhaps justly consider the world as one great commonwealth, divided merely by "*adventitious interests*." (Vide the Introduction to this Essay.)

Nothing surely can be more absurd than any personal antipathy between the Irish and the Scotch, or the English and the French ; for if those countries were not immediately peopled from each other, yet there existed such an intimate communication between them at very early periods of their history, that they might be almost considered as one nation. Brerewood (in his *Origin of Languages*) ranks the Irish (which is

during so many centuries ; ought we to make such wide distinctions between men who are united in one common bond ? Ought we to cherish prejudices which tend to tear asunder the ties of humanity ? Are we justified, on the sound principles of reason, in excluding *foreigners* from all privileges and places of trust, on the supposition that they may introduce anarchy into the state ? *The law of nations*, if properly under-

also spoken in Scotland) and the British or Welsh (which is also spoken in Cornwall, and Bretagne in France) at the head of the mother tongues, still known in Europe ; he also observes, that the Welsh seems to have been the native language of the ancient Celts, who by many are supposed to have peopled Scotland and Ireland ; the Danes appear to have been particularly allied to the Irish ; now both the Danes and the Celts were mingled with almost all the northern nations ; the Gauls, at a very early period, were intimately connected with the Britons. This fact even Cæsar confirms ; the Gauls were allied to all the German nations, and the Saxons possessed Britain during several centuries. We may even extend the argument, and say that the Tartars, who have been supposed to be the descendants of the ten tribes of Israel, which were captured into Assyria by Salmonazar, probably peopled America ; Catharine of Russia seems to have ascertained this point in a voyage of discovery made in 1768 ; it would of course fill volumes to trace the communication which different nations have had with, and their claims consequently on, each other. The above humble assertions, which appear to be founded on very simple and just conclusions, were introduced merely to give some force to the arguments used throughout the Chapter.

stood, guards us against those evils ; a *trust*, either public or private, is sacred ; but with reference to the great importance of the former, we are naturally inclined to consider any abuse of that power which accompanies it, with a more than usual degree of disapprobation ; in both cases, however, the duty imposed ought to be abstractedly considered, without any reference to adventitious circumstances : when a steward, or even the most menial servant, assumes his office, does he consider or inquire whether the person whom he serves was born in the same *county*, or even the same *country* in which he was born ? No : he informs himself of his *duty*, and if he be an honest man, endeavours punctually to perform it ; so, in public life, a man in office, or even a sovereign, who is anxious to fulfil the conditions on which he is vested with authority, reflects on the *nature* of the trust which he holds ; and though he might be taken from a country many hundreds of leagues distant from that which he governs, he would feel the same kind of responsibility, with respect to his *duty*, as if he had been born among the *natives*.* Prejudices, selfish feelings,

* Foreigners, however, are not to be *preferred* to natives, nor can they have ALL the privileges of natives ; except the natives *voluntarily* bestow them, as they necessarily must, when

and illiberality of thinking, can alone impede those *national* exertions which he is called upon to make; the *abuse* of his power, in short, can alone produce those evils which may be either remotely or closely connected with his government; if he be guilty of unjust acts, by promoting the unworthy part of his countrymen, to the exclusion of meritorious persons among the natives, *he abuses his power*: if he endeavour to subvert the laws and customs of the country, without the consent of the people, *he abuses his power*; if he keep up any private correspondence or negotiation with his countrymen, with a view to aggrandize or serve them, at the expence of the nation, *he abuses his power*; in short, if he take *any* measures to the *detriment* of the nation, *he abuses his power*;—but does it follow, *because he is a foreigner*, that he will be guilty of such heinous breaches of his trust?*

If it be absurd, on the principles which have been laid down, to exclude foreigners from all privileges in the state, it appears to be still more absurd to shun association with them.

their sovereign, or chief magistrates, happen not to be born in the country, which they are called to govern.

* I argue on general principles; Romulus was born in the country, but knew not his father: Numa was a Sabine; the first Tarquin a Corinthian, &c.

The examples of the Indians, the Japanese, and other nations, might indeed be adduced to prove the danger of confiding in foreigners, however plausible their professions might be ; and it is perhaps from reports of the treachery of some European foreigners, in their intercourse with credulous natives, that one of the most opulent and populous countries in the world, I mean China, avoids association with them :* but in opposition to those arguments, the Romans may be brought as an instance of that kind of equality between natives and foreigners, which is founded on principles of pure philanthropy. The Romans were composed of almost every nation on the known globe ; yet the fidelity of the soldiers was proverbial. The fact is, that those who were incorporated into that body called Romans, had all the privileges of citizens, and fought *with* and *for* each other, to secure their common rights ; treachery towards each other was treason to the state ; they defended the soil, not merely because it was called the *Roman* territory, but because it belonged to the Romans.

We naturally love the spot on which we were born—we respire native air with delight—we contemplate with rapture the mansion which

* Some have attributed the advantages which the Chinese possess chiefly to this circumstance.

has contained some of our ancestors—we cleave to the friends and companions of our infancy; but there are ties still more noble, still more worthy of our attention than those—the ties of national fraternity.

CHAP. XIX.

OF THE CLAIMS OF CHILDREN.

It has been implied by some politicians, *that the right of inheritance is the only exclusive one which legitimate children ought to possess ;** but

* By the laws of Justinian, subsequent marriage legitimated children; those of Scotland are equally lenient *on this point*: why are they not the same (or even still *more* lenient) on all points? Is it not almost a reflection on the common sense of mankind, that a few tyrannical rules should disgrace any code of laws?

Sir William Blackstone, who, as I have before hinted, was obliged to speak *in the language of the law*, and as an *English* lawyer, concludes his chapter on this subject in, a manner worthy of that liberal and amiable disposition which seems to pervade his writings. After having defended the civil contract of marriage, and the civil claims of those born in wedlock, he implies, that *any other distinction but that of not inheriting, would be "odious, unjust, and cruel to the last degree."* He also, in order to take off from the kind of civil contempt which he has been obliged previously to throw on illegitimate children, mentions the power which the parliament has to legitimate them. Thus did this great man endeavour, whenever he could consistently with his subject, to plead for the mere rights of humanity, independent of all civil institutions.

the necessity, and the equity even, of *that* right, except in particular cases, has been *questioned* by others; and in many countries it is unknown.

Can it, on reflection, be denied, that the same cause which would induce an unmarried woman to obtain possession, by unfair and illegal means, of a man's property for her child, *i. e.* depravity; would also impel a married woman to impose the offspring of her dependent paramour on her opulent, but too credulous husband? Is not the honour of the woman, and other circumstances not necessary to enumerate, the safeguard, in *both* cases, of the natural and legal rights of the children?*

Those who contend for the advantages which legitimate children ought in a legal sense to possess over illegitimate ones, will perhaps, after mature consideration, be inclined to allow, *that in cases where there are none of the former, the latter, who certainly hold their place, and have not been deemed unworthy of paternal care, should be allowed to partake also of paternal honours?*†

* The *primary* principles on which the law has considered illegitimate children as the children of *the public*, and as having no *particular* civil claims, must, after a few minutes reflection, be obvious, and distinctions must be suggested by common sense; of this Sir William Blackstone was well aware.

† The children, who have been born and reared under their father's roof, who have received his name, and have been pub-

Their equality in point of virtue, wisdom, and understanding, has been established by facts which none can deny; and from the JUDGES of ISRAEL to the statesman of modern times, we might enumerate many able rulers of nations, whose births were not sanctioned by a civil contract.

lickly acknowledged as his, appear to have a greater right to his property than utter strangers; and yet, by excluding them from legal prerogatives, they have in some cases wanted bread and a common shelter.

C H A P. XX.

OF SLAVERY.

DESPERATE and depraved, sunk in the grossest ignorance, and dispirited by ill usage, can *slaves* willingly exert their sinews for their tormentors? Can confidence be reposed in men who are *lashed* into their daily occupations? Can we expect that individuals whom we treat worse than brutes, should assert their claims to the privileges of intellect and virtue? They have been denied those of *men*, and have nearly lost the characteristics of humanity. Can minds so debased be otherwise than sullen, obstinate, and indolent? Thus weakened and vitiated, can they cherish honourable sentiments? * Inured from their infancy to barbarity, they only watch an opportunity to retaliate on their oppressors. *Fear* is with them the only incentive to action; when that is removed, their vengeance knows no bounds; tygers who

* It would surely be unfair to select beings whose faculties had been stupified, and their hearts depraved, from various causes, in order to prove *the existence of virtue*.

roam in quest of human blood are not, when incensed, more ferocious;* yet, notwithstanding those characteristics, experience has proved, that when the latent good qualities of those wretched beings are assisted by the blessings of freedom, and mental improvement; when they are allowed to partake of the comforts of life, and are treated with kindness, they sometimes become ornaments to society, instead of being disgraces to humanity.

Virtue sometimes droops in penury; but when slavery is added to penury, the extremes of idleness, baseness, and vice, must often be produced. Noble principles may lie hidden within them, but they are generally overpowered by those dark and turbulent passions to which their unfortunate situation gives rise. If habits of life and example have powerful effects even on the most improved minds, they must operate in a greater degree on those of men who are kept in profound ignorance, and act merely from blind impulse. It is well known to what a low degree of degradation the human faculties may be sunk, even among civilized beings; for instance, among the populace of some European countries; but

* "Oppression maketh" even "a wise man mad." (Eccles. chap. vii. v. 7.)

this state of ignorance must be greater, and its effects more lamentable, among slaves.

The treatment which these unfortunate men received in their own country* used formerly to be alleged by Europeans as a reason for depriving them of liberty, and the advantages of education, &c.; but it has lately been found, that to diffuse knowledge and happiness among a wretched people, and to carry on trade with them, founded on fair and equitable principles, is more worthy of a civilized nation, than to drag them from a state of deplorable misery to a still more deplorable situation—a situation in which their own species were *acquitted* for even murdering them†, as they would beasts and

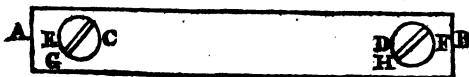
* If, according to Leo the African, and other ancient authors, the Africans lived in a state of rapine before they traded with Europe, would it not have been better to teach them probity and virtue, than to throw them into a state which only strengthened all their evil propensities?

† When a merchant arrived in Africa, every kind of outrage was committed; towns were set on fire, people murdered, and slaves secured by stratagem or force; these measures were taken with the permission of the kings of the country (who in some places, for instance, Dahomay, were such tyrants as to have their palaces strewed, and their roofs ornamented, with human skulls); the kings in their turn were often subjected to treachery and violence. In 1708, when the inhabitants of the old and new town of Calabar were at variance, some crowd, on pretence of bringing about a reconciliation, secretly promi-

birds of prey, only with the addition of previous cruelties ; and if they complained, they were often treated in a still more inhuman manner ; for *the overseers seldom denounced each other.*

ed the people of the new town to destroy the inhabitants of the old town. Accordingly they slaughtered some, and took others for slaves ; two brothers of the king of Calabar were among the latter, and were carried to the West Indies, but fortunately escaped to America, and from thence to Bristol, where they were shipped for their own country, by the humanity of Mr. Jones, a Bristol merchant.

It generally happened that when a ship arrived in Africa, traders were trusted with European goods, which they were to exchange for slaves ; and during their absence, the children and relations of the natives were detained as pledges. When they could not be redeemed, they were sold as slaves ; but if the mode of detaining those unfortunate victims was oppressive, how much more so was the manner in which they were brought to the ships, when the exchange had been made ! Mr. Arnold, surgeon of an African ship that sailed in 1787, describes it in very emphatic terms, and represents the treatment of the African slaves as unjustifiable. It seems they were led to the ship which was to convey them from their country, by a pole, fixed to a ring which was fastened round their necks ; the arms of some were tied behind their backs ; others were confined by instruments of this shape :



A B is a board, the hands are put through the circles E C and D F ; G and H are pins of wood fixed on the wrist ; when they were on board, they were bound hand and foot, and

To the objections* against the abolition of the slave trade, first, " That the comparative happi-

stowed so close, that it was with difficulty they could breathe. It is related by Capt. Hall (who made two voyages to Africa, in the merchants' service in 1772 and 1776) that a child belonging to a black woman was murdered, merely to accommodate the captain with the sale of the mother, and that it might not be troublesome!! This noble champion of humanity (Captain Hall) scrupled not to declare, that "*the slave trade was illegal, and founded in blood!*" and even declined the command of a ship on conscientious principles. He attested that the people of Calabar, along the River del Rey, acknowledged a God and a future state, and were capable of virtue and attachment. Near the north side of the river Gambia, there lived a people called the Sierrieurs, who were governed by independent chiefs, and believed in a Supreme Being, though they had no fixed form of worship : even the inhabitants on the Gold Coast professed the same belief, and had also vague notions of a future state.

* These objections deserve some notice : but the arguments advanced by Montesquieu (who it can scarcely be denied is as often wrong as he is right) are so weak, absurd, and illiberal, that they only give validity to those which have been ably supported on the other side of the question : He thus expresses himself : " Sugar would be too *dear*, if the plants which produce it were cultivated by any but slaves ; it is hardly to be believed that God, who is a wise being, should place a soul, especially a *good* soul, in such a black and ugly body."

" The colour of the skin may be determined by that of the hair, which, among the Egyptians (the best philosophers in the

ness of individuals groaning under the miseries of a despotic government, and strangers to the sound of liberty, ought not to be put in competition with the interests and revenue of a large civilized country, and the properties of many families ;" and secondly, " That the slaves were generally criminals sold to the Europeans as a punishment for their offences : " the following arguments may be opposed.

Africa is a rich and vast country, abounding with valuable commodities, which might be greatly improved ; equivalent profits, therefore, might be found ; Europeans might receive articles of trade which would greatly enrich their old manufactures, and tend to establish new ones.

With respect to the second objection, it is obvious (world) was of such importance, that they put to death all the red-haired men who fell into their hands."

" The negroes prefer a glass necklace to one of gold, which polite nations so highly value ; can there be a greater proof of their wanting common sense ? "

" It is impossible for us to suppose these creatures to be men, because, allowing them to be so, a suspicion must follow that we ourselves are not christians ! "

" Those who have even opposed the abolition of the slave trade on any grounds, must peruse, with a mixture of horror and contempt, the above base and futile arguments. They dishonour the man, as well as the author ; and scarcely deserve an answer.

vious, that as the revenue of the African kings depended chiefly on the sale of slaves, pretexts were often made to accuse and condemn them; therefore they could not always be considered as criminals;* the slaves were generally prisoners of war, and taken by one African king from another. The conqueror gained by the sale; and, instigated by resentment, avarice, and revenge, would sometimes promote it by the most cruel and unjustifiable means.

On the whole, then, we may perhaps lay it down as a principle, *that though a proper concern for the welfare of a nation, and the prosperity of the individuals who compose it, is commendable, yet we have no right to secure either by unfair means; therefore, if, by turning commerce into a different channel, we could ally the advantages of wealth with the dignity of virtue, it behoves every philanthropist to second any measures which seem likely to secure this object, and to endeavour to connect the interests of the merchant with the feelings of the man.* Let not those who condemn the inhumanity of savages be guilty of worse inhumanity, even without the plea of retaliation, either private or rational.

* Perhaps we cannot admit of the word *criminals* when we consider *who* were the judges of those unfortunate men.

CHAP. XXI.

OF SOCIETY.

THE term *social* has been applied to animals as well as to human beings; but among the latter an extraordinary distinction is obvious to the moralist. Mankind, though divided into many classes, and exhibiting a great variety of characters and talents, are placed on a kind of equality by the glorious prerogative of *reason*, which they possess in common; whereas among animals we only perceive a multitude of *instincts* and *powers*, which operate in different ways, and give rise to the various names by which all animated beings under the human race are known. Those, according to their kinds, seek the society of each other; and it is worthy of remark, that they in general shun the society of all, *except* those of their own kind. This propensity is particularly discernible in animals that go in flocks and herds. But notwithstanding the vast numbers of every species which are scattered over all parts of the earth, there is one general and remarkable cha-

characteristic attached to most of them, *i. e.* a tendency to seek the protection of, and cleave to man, even when in a solitary state, and entirely separated from their own species. On this circumstance is founded one of the most important distinguishing qualities visible in human beings. They can find means to render even the fiercest animals subservient to them; they feed on the flesh, and derive profit even from the skin of a variety of birds, beasts, fishes, &c. while those birds, beasts, fishes, &c. can only, by *extraordinary* accidents, gratify their appetite on his carcase; and even then *mere* appetite actuates them.

Man, by his wisdom, his reflection, and his mental powers, not only attaches animals in a kind of social union around him, but also absolutely creates, by the same means, a degree of attachment in them, with reference to himself, which often contributes to his individual comfort. Instances of the most *pathetic* affection between him and his horse, his dog, or any other kind of favourite in the animal creation, are not rare; and though there have been few examples of *human beings* falling sacrifices to grief on the death of their dumb companions, yet history and common life abounds with facts of an interesting nature, relative to the inconsolable sorrow of *animals* for

the loss of their protectors and friends; among the human race.

Besides the two kinds of society above-mentioned, we often perceive a mutual attachment from *habit*, between birds and animals of different species, who have been reared, and kept for a length of time together. Among human beings, also, we see examples of friendship, not only between individuals of different talents and dispositions, in the *same* country, but also between persons living distant from each other many thousand miles, whose *colour, features, toes, and manners*, are entirely different.

The refined man in polished life sometimes cleaves to the tawny inhabitant of the woods or mountains, whose hospitality has shielded him from danger, and whose arm has rescued him from death. The form, the fierce aspect of his uncivilized friend, do not affright him. He receives with gratitude the wooden bowl, cut from some neighbouring tree, and moulded by the hand of rustic ingenuity.—He sits freely with him in his hut of twigs or earth, and partakes of the humble meal set before him, forgetful of the splendid repast which awaits his companions on the other side of the ocean.—He listens to his TALE OF LOVE, and applauds his feats of war.—His history, his genealogy, sculptured in rude

symbol by the pointed arrow, become more interesting to him than the most brilliant pedigree that heraldry can boast of. Such is the power of custom, which unites together beings of different characters, and harmonizes things apparently incongruous.

I shall now take notice of that kind of society among human beings which owes its existence and its gratifications to *sympathy*; or to a similarity of feelings, tastes, and pursuits.

In order to solve the question, which seems to have been proposed by some elegant poetic writer, *i.e.* 16. Whether sympathy really exists among all animate, and even apparently inanimate substances? it would be necessary to pass through the immense scale of creation, from the stone to the intellectual powers; which would be an undertaking not only too extensive for, but evidently unconnected with, my present purpose; therefore I shall merely take notice of those sympathetic sensations, which appear peculiarly to characterize human beings, and give rise to society among them; these are as various as their causes are distinct.

Individuals of similar trades, and the labouring

Admitting that *grades* may sometimes be applied to the accident of any being.

part of mankind, are often drawn together in a bond of *social union*; being subjected, generally speaking, to the *same* evils, and entitled to the *same* advantages, they feel the *same* wants and enjoy the *same* pleasures.

Persons in the same professions, whose views in life are nearly alike, often seek the society of each other.

Children and young people also naturally associate; they compare their tasks, deplore their common hardships, feel the same privations, and partake of the same enjoyments.*

Invalids sympathize with each other, and are often seen assembled in groups, at places to which they have been sent for the recovery of their health. To talk about their complaints seems to be almost a temporary removal of them;

* The *general* rules which have been laid down as applicable to each class or denomination of human society, do not destroy those principles of universal benevolence by which *all* classes and denominations are equally bound: besides, they are in themselves liable to many exceptions; men of different trades, occupations, and professions, often not only seek the society, but also the friendship, of each other; children sometimes prefer the company of their preceptors to that of their equals, and accidental circumstances, duty, necessity, &c. as I have implied towards the conclusion of the chapter, may give rise to an intimacy between persons whose characters are very different.

nor does this propensity at all argue weakness, or an extraordinary degree of frailty, being often attached, under such circumstances, to the most exalted as well as to the most feeble characters; it is merely the *same* principle acting in a *different* manner; or, in other words, *sympathy* operating on the *lower* instead of the *higher* nature of human beings: the sympathy arising from mere *animal wants* and *infirmities* belongs to the former: * and that which takes place in consequence of a similarity of intellectual pursuits, or moral excellence, seems peculiarly appropriated to the latter; this kind of sympathy brings

* We experience a certain degree of satisfaction when another evinces any *sensation*, or expresses any *wish* which coincides with our own, whether it be *common* or *refined*, *insignificant* or *important*. This is an inferior kind of sympathy, depending much on the state of our *organs*. We are also sometimes pleased with objects and individuals, which at other times we see with comparative indifference; in this case we approve more from *impulse* than *judgment*. We are blindly united with *objects* and *individuals*, as *homogeneous atoms* are blended together, and at those moments it would be very difficult to define any principle by which we are actuated. This kind of sympathy has, however, been felt at some period or other, even by those whose minds are most refined and exalted; and it, perhaps, pervades mankind in a greater degree than the sympathy which is more of an intellectual kind; hence we sometimes feel an affection for those who have many failings, and an antipathy against those who have many virtues.

human society to the last degree of perfection, uniting many individuals by one perpetual compact, the basis of which is virtue, in bonds of indissoluble unity.

The most sublime kind of sympathy appears to be connected with the *adverse*, rather than with the *prosperous*, scenes of life. Among the sensations to which it gives rise, may be reckoned the delight which we sometimes feel, when under the pressure of any calamity, in reflecting that a virtuous person participates in our sufferings. What can we *delight* in the misery of another, and even in that of an *innocent* individual? Are we so selfish as to exult because another suffers *with us*? Ought we not rather to feel *regret* that superior merit should be afflicted? In order to answer these questions, we must trace through the windings of self-love, vanity, and weakness, the source of those sympathetic feelings, which in pain and in adversity soothe and console us; the source is *pure*, but from it issue many branches, which are tainted more or less with the passions and weaknesses of humanity.

The following is an instance of the kind of sympathy now alluded to:—On a bed of sickness, or amidst the gloom of a prison, the most noble energies of the soul, which sometimes lay dormant in prosperity, again burst forth. Obedient

to make great efforts, we feel the extent of our powers, and are better able to estimate those of another, which seem to encourage and invigorate us. What picture can be more gratifying to us, when struggling with the "oppressor's wrong," &c. than a person conquering affliction by fortitude? The love of virtue immediately animates our heart, and produces those indescribable emotions which belong to *sympathy in distress*. The love of virtue, not any selfish principle, is here the source of sympathy. Misfortunes appear honourable, mingled with such emotions; and every new pang seems to be a new privilege. This is certainly a noble kind of sympathy; but its source not *always* remaining pure (as I have before implied), a train of idle and visionary notions, mingled with a considerable degree of SELF-LOVE, sometimes arise in the mind; all derogatory to the principles by which we were at first actuated. It seems, however, to be the most sublime, abstract, and intellectual foundation of social intercourse: congenial souls can alone enjoy it.

An inferior kind of sympathy may exist between persons of very different characters, who may be placed in the same situation; for instance: confine two persons in a dark room; admit the light at a certain hour, and they

will both feel joy at seeing each other ; bring them food at a particular time, and they will feel the same gratification, at the same moment, in partaking of it : in short, in this case similar *wants* supply the place, not only of similar characteristics of a more refined nature, but even of similar organization. On the same principle is founded sympathy of *action*, in all situations ; and this in general is not at all connected with any intellectual causes : for instance, if a person suddenly turns round to look at any thing, his companion will probably do the same, without knowing why ; and on seeing a person dance or fence, though at first there may be an aversion from both those acts, he will perhaps, at last, be *inclined* to imitate them, though, at length, a *motive* may prevent him from joining in either.

Adventitious circumstances may create a kind of artificial, and yet *pleasant* union between heterogeneous natures, which *may* last during life ; persons whose tastes, dispositions, and principles are wholly opposite, may, from some *accidental circumstances*, from *duty*, *necessity*, and other causes, be obliged to live under the same roof,* as is sometimes the case in families ; but a

* • It is an assertion, which experience proves to be false, that " we may know a man by his company ;" for from the causes

general similarity of character is certainly the most durable bond of social union.

It appears, however, that the social principle is connected, both in a *general* and a *particular* sense, with the happiness of human beings, under all circumstances, and in all situations. They are allied to each other, either in a *distant* or in an *intimate* manner, and have all some claims, of a greater or a less degree of importance, on each other. There are, perhaps, none so insignificant as to be wholly unworthy of notice; the epithet of *stranger* therefore cannot, strictly speaking, be applied to any human being, whose existence is not literally and absolutely unknown to us. All our fellow-creatures claim *some* attention, and ought to excite different degrees of interest in our bosoms; each individual is, in reality, of *some* consequence, not only to another individual, but actually on the principles which

above enumerated, and others which may easily be imagined, persons of very heterogeneous dispositions may associate for a length of time, or even during their whole lives. This old saying (like other old sayings of the same kind) may lead to erroneous and illiberal conclusions; it ought therefore to be exploded, or at least by the insertion of some word to soften its meaning, rendered less exceptionable: suppose, for instance, we were to introduce the word frequently, or often? this would render the rule liable to many exceptions.

have been laid down throughout this Essay, to the community at large.*

I have certainly divided society into classes, but I have also endeavoured to prove that the diversity which prevails among human beings, and their various pursuits, tends to *harmonize* all the parts of that immense COMMONWEALTH, which, in its most extended sense, may be called the WORLD.

* Offices of benevolence are always productive of inward satisfaction, even though bad motives may be imputed to those who perform them: human beings may sometimes be subjected to the most malicious imputations, for endeavouring, on the purest principles, to render services to each other; they may run great risks by associating with utter strangers, having no other guard but *their* honour, yet they are still strongly impelled by the social principle to encounter those difficulties rather than to reject the offices of humanity.

CHAP. XXII.

OF RIGHT.

THE word right has a very comprehensive meaning; not merely alluding to pecuniary possessions, but extending to every thing which relates to an individual; his person, virtues, and talents, are his rights: if his person be seized upon, or that he is made to commit acts against his will, his right of person is violated. If he be unjustly accused of cowardice, baseness, or any other contemptible quality, his right of courage, generosity, or of any particular virtue, is invaded. If he contribute to the improvement of human knowledge by his literary labours, and that another endeavour to deprive him of due consideration and reward, his right of talents is invaded. Sir William Blackstone has gone so far as to assert, "that when a man, by the exertion of his rational powers, has produced an original work, he has clearly a right to dispose of that identical work as he pleases; and any attempt to take it from him, or vary the disposition he has made of it, is an invasion of his

right of property."* The notion of *right* is in itself so general, that it may be applied to the most trivial as well as the most important things;† it cannot be destroyed by any circumstances, for there is no situation in which it may not be supposed to exist. Two individuals cast on a desert shore, may be supposed to possess *rights*, of which they cannot, except by their free will, be deprived. In civilized life, the *right of character* is, from a complication of circumstances, peculiarly sacred; and it has been the object of all legislators on the one hand, to provide against improper impeachments of individuals; and on the other, to give ample security to the injured and oppressed of every denomination. It appears that the word *right* has been considered by some of the wisest lawyers (among whom Sir William Blackstone ranks high) in a very *abstracted* sense; the bare neglect of a lawful command, and the most trifling advantage taken of accidents, adverse circumstances, incapacity, whether permanent or temporary, &c. have been deemed an illegal invasion of another's *right*; for in whatsoever it may consist, it is *presumed* to be really

* Blackstone's Commentaries, vol. ii. ch. 26.

† Even animals may be said to possess certain rights, granted to them by the laws of humanity; and will often, by strange means, discover cruelty and injustice.

inherent in the individual; and, were it not for some accidental and artificial impediment, might be claimed.*

* The arguments which have been employed throughout the chapter, extend to every class and description of *human beings*. The good sense and experience of my readers will, no doubt, furnish instances for the illustration of the simple truths which have been offered to their minds.

C H A P. XXIII.

OF PROPERTY.

PROPERTY is acquired either by possession or by cession, and is afterwards increased by industry, and improved by the sagacity of the owner.* The original idea of *possession* seems to be this: an individual, or a certain number of individuals, being on a spot which is not already possessed by one or more persons, may plant and cultivate the soil; and when numbers increase, may build towns and cities, institute customs, and frame laws, which are, of course, supported and confirmed by general consent; those inhabitants enjoy property by possession. Property by cession is, when a certain number of men, on the supposition of some beneficial result, join in the views of those who may come on their territories, and make *treaties* with them, by which they either give up to, or share with, the new comers, part of the property they have

* With more immediate reference to civil society, property is acquired by *purchase*, or by *inheritance*.

acquired by possession. In the first instance the right was in the ~~most~~ *most* ~~themselves~~ ; in the second instance they only enjoy it by cession.* It must be considered, however, that those treaties which confirm this right are valid, till altered or rendered null by mutual agreement. The primary cause of the inequality of property was the increase of numbers of mankind; the secondary cause was the difference of talents, which even in savage life was discernible among a multitude of individuals: to the same causes may be ascribed the establishment and improvement of trades, manufactures, &c. the profits of which all more or less enjoy, as all more or less contribute to their support. The right of property which every individual has in a state, is not an

* And only by this right; for if we were to affirm that property may legally be obtained either by mere possession (to the exclusion of actual possessors), or by mere conquest, a thief who breaks into a house, would have a right to detain them; but this is not the case; the person or persons who already hold it, either by possession or by cession, must voluntarily surrender it up to him; otherwise he is guilty of usurpation; even if the persons hold it themselves by usurpation, still a kind of spurious right by possession exists, which renders it impossible for any individual, except the one who has a real title to the house, to wrest it from the actual possessors; they may be expelled by law till the next claimant, as nominated by any valid deed, or will, is found; but the thief, though he may have destroyed the possession, has no right in the property.

equal share to that of his neighbour, but the unmolested enjoyment of what he possesses.

The right of property, whether it be obtained by industry, or a voluntary act on the part of another, ought to be held sacred. The beggar who receives a penny* may, perhaps, strictly speaking, be as arbitrary in his notions of property, as the monarch who has millions at his disposal: the possessions both of the one and the other arise from contributions,† but if the beggar wrest the penny by force, or that it is not freely given, he has neither a right to retain, nor a right to bestow it; he has no right in property; in short the possessor has a right to oppose the violence of the beggar, and to obtain the penny back again.

Wealth being the moving principle of a large and civilized community, the individuals who possess the greatest shares of it, necessarily return the greatest quantity back to the community; consequently riches, considered with respect to their utility, are entitled to respect;‡ but this

* This expression is used merely to give force to the argument; the value of money being nominal, it is the same, in an abstract point of view, whether we say, "the beggar who receives a penny," or "the man who receives a thousand pounds," &c. but the former phrase is more emphatic.

† Vide chap. iv.

‡ The love of riches, perhaps, partly owes its origin to the

may be shewn without inducing servility on the one hand, or insolence on the other, if the nature and intent of them be not forgotten, which is the case when the wealthy neglect the duties they owe the poorer members of society; and when the poorer members of society, unmindful of their national consequence, accept bribes for base purposes.

In order not to forget the nature and intent of riches, it is necessary that the dignity and utility of an office should be more considered, than the profits attached to it; the danger of doing otherwise is obvious by the following consequence—situations of the greatest importance in the state, may be filled by persons who are neither able nor willing to perform the duties of them.

Love of happiness, which universally pervades mankind : riches present to their minds the idea of enjoyment ; poverty, of privation. They covet the one ; they pity the other ; and there are, perhaps, comparatively few who would prefer poverty to riches ; though religion and philosophy might enable them to endure the former without murmuring, and even with cheerfulness. Riches, in spite of moral rules, is often a passport even among the most virtuous, till more valuable possessions are discovered.

CHAP. XXIII.

OF EDUCATION.

Education cannot create any thing in an individual: it cannot *extirpate* radical qualities, but it may suppress, and prevent them from appearing; so example may *awaken*, but cannot *produce* a passion; the passion existed before; the seeds of virtues and talents can only be *unfolded*; they can never be *sown* by any circumstance whatever. Sometimes the characteristics of parents are observable in children, and sometimes those of remote ancestry;* it may also happen, for reasons inscrutable by any human being, that the characteristics both of parents and ancestors appear to be wanting, yet the children are marked by some peculiar qualities, both good

* The terrestrial composition and spiritual qualities of an individual, may, from some mysterious causes, be connected with those of an ancestor who lived centuries ago: the child of a tyrant may be a supporter of the rights and happiness of mankind, and *vice versâ*.

and bad, which, under all circumstances, adhere to them through life.

The influence of education and example is certainly great, but it seems to operate only as long as impressions last. Association, which may often be called *the soil of the soul*, opens the yet unprolific germ of human capacity, as the fresh earth placed on a seed gives it fertility; but there are some minds which nothing can render fertile, and others, on the contrary, so luxuriant, that, like the wild, but beautiful plants which grow in desert places, they spontaneously yield a variety of rich produce. Culture, in reality, only cherishes and brings forth what existed before.

From the structure of the nerves and muscles, it is natural that children should have a volition for those acts which they see constantly performed; they will even be prone to imitate the gestures and motions of those with whom they live; and if particular impressions be made continually, they will appear to perform *naturally* what in reality they do *artificially*. As a proof of this, place a child who is naturally mild, amidst scenes of cruelty, and for a length of time he will, perhaps, appear to be reconciled to them; but take him away again, and his original nature will become evident; or, *vice versa*, place a

depraved child with kind and gentle friends; let him be surrounded with innocent pleasures, and indulged with a variety of comforts, and for a certain period his nature will *appear* to be changed; but if he return to his former life and companions, his original character will shew itself.

Children, in whom the seeds of virtue preponderate inwardly, shrink at vice, though bred up by the most depraved persons: while those in whom the seeds of vice are most predominant, cherish bad propensities, though reared among virtuous persons; nay, even children of the *same* parents, *bred up together, and educated in the same manner*, will sometimes, at an early period of life, discover *very different characteristics*: it is evident, therefore, that we cannot make human beings what we please by education (which some have asserted to be possible). Education may improve good qualities, and prevent bad ones from appearing, but it can never *create* the one or destroy the other. Natural powers may, however, be improved, and defects greatly obviated by art. Demosthenes owed the perfection to which he brought oratory, to his perseverance in endeavouring to overcome an organic weakness: but this instance does not relate to those *intrinsic* qualities to which I have alluded. We may, to a certain degree, *assimilate*, but we cannot change our natures.

The above arguments only prove, that *mere* human art cannot, strictly speaking, *produce* any thing. The mechanic cannot convey properties or qualities to the wood or metal, on which he works ; he can only operate on those which already exist : *his* power is therefore limited ; but *Omnipotent* power *could* change the wood into gold, or impart the properties of gold to iron.

I shall now advert to the various faculties which education is supposed to improve and bring to perfection : and first, the faculty of *speech* seems to demand particular attention. Notwithstanding what La Metrie and a few other writers of the same class have implied, viz. *that man possesses that faculty only by imitation and custom*, it is well known that much trouble has been taken to teach monkeys to speak, even from an early age, without effect, *because they have not the faculty* ; but man *has* the faculty, either *latent* or *manifest*, which in all situations discovers him to be of the human race.* The gift of speech is for the purpose of communicating ideas ; this end we see is answered in man, even by those who cannot articulate ; not so in birds, who, though they *imitate certain sounds*, never can be taught *to reason*, or *to improve*

* How acute in their reasonings are some deaf and dumb persons !

themselves. The old and well-known argument in favour of man's superiority over the rest of all animated beings, may, perhaps, without impropriety, be here introduced, in corroboration of the arguments before employed, viz. that all brutes, however sagacious, arrive at the utmost perfection of their powers in a few years; but man is ever improving *his* faculties, and enlarging his stock of knowledge. If a child were reared by an animal in the woods, he would perhaps know nothing of speech, but the capacity would lie dormant; and it is one of the many faculties of his nature, which would, except in case of some *organic defect*, unfold itself with opportunity; whereas some ingenious men have in vain attempted to teach animals to speak; they have been present at conversations, words have been repeated to them, the corresponding things shewn, and every possible encouragement and assistance given to them: yet they have never discovered the least power to articulate, nor have they appeared to *understand*, or reason in an *interior* manner, because they have neither the *organs of speech*, nor that *conformation of brain*, &c. which are necessary for the purpose abovementioned, and which peculiarly characterize human beings; joined to them is that *aptitude to learn arts and sciences*, which does not

exist in animals. Wonderful instincts may be observed in some; dogs watch a countenance, grieve and rejoice with their masters, and are sometimes taught to dance; monkeys play tricks, and imitate human motions; horses are trained to understand the meaning of certain looks and words, which relate to the work they are performing; elephants possess both *violent* and *durable* passions; they are capable of warm affection, deep resentment, &c. Many other animals, nay, even insects, are endowed with powers, which, on a cursory view, seem to come *very near* those of man; but on a stricter examination we find that they are wholly different, and are only *a higher kind of instinct*, capable of *a certain degree* of improvement, yet limited to *animal life*. Man is characterized by a principle* which distinguishes him from every other being. This principle gives rise to the pleasures of friendship,

* Perhaps there is not a more striking argument in favour of the existence of an *immaterial* principle in human beings, than that the animal functions, the motions of the outward frame, the instincts, and the mechanical and vegetable laws by which the bodies of brutes are animated, are the same, or nearly the same, as those which act on the bodies of men; yet to all those powers in *human beings* are added *faculties* which are not to be found among *brutes*, and which, in all situations, and under all circumstances, distinguish the former from the latter.

benevolence, and intellectual enjoyments; it draws a line between *his* nature and that of brutes, and enables him to go through more sublime *gradations of existence*, even in his present state, than those through which *they* are observed to pass.*

* It has been urged in favour of atheistical principles, that motion may continue, and that the hearts and muscles of animals will sometimes move after death: consequently, that matter, without being acted on by spirit, may be moved: but does not this argument exactly prove what those philosophers wish to disprove, viz. that motion is in itself very distinct from that wonderful principle which is the cause of thought; or even from that which gives rise to animal functions; since it may exist in substances, not only void of *thought*, but void of *life*? It may perhaps be said, "if motion be not connected with an immaterial principle, then matter has in itself the cause of motion?" To this objection I humbly answer, "that the *primary* cause, or cause of motion, must remain a profound secret, to all who are not conversant with the *primary* laws of the universe; even one of its secondary causes, air, the *effects* of which we see, seems to be hidden from human scrutiny; it operates on animals, it drives ships along, it is found in the most opaque, as well as the lightest substances, but what connection it may have with the *thinking principle*, we can scarcely venture to affirm. It is certain, however, that *motion* and *thought* are wholly *distinct*, and though we might, on certain principles, allow the former to exist in matter, we could not attempt, without involving ourselves in absurdities, to prove, that the latter owes its existence to any material organization. Would it not be irrational to reason thus: a mite is orga-

Next to the power of *speech*, which seems to belong exclusively to man, and by which he communicates the most abstract ideas to beings like himself, the faculty of *thought* deserves notice. This faculty enables him not only to analyze, compare, and reason, on all visible things ; but by *the power of abstraction*, which is allied to it, to pursue a chain of arguments, independent of any object which may be presented to his eyes, to discover the most interesting truths in science, and even to *correct the errors of his senses*. Neither distance, magnitude, or number, can impede its operations ; nor can the most hidden qualities of substance elude its scrutiny. After analyzing all material things, it gradually leads the mind to *first principles*, on which the mysteries of all nature depend ; and thus discovers the *existence and necessity* of principles which do not appear to come under the cognizance of any human faculty.*

sized—so was Plato,—therefore Plato and a mite are objects of comparison ? It is not necessary to enter into the elaborate arguments which have been employed on this subject ; it may suffice to observe, that the principle in man which *thinks, combines, and judges*, is distinct from that which produces vegetation and animal functions ; and the principle which produces vegetation and animal functions, is distinct from that which produces mere motion.

* It may reasonably be inferred that such a power must be *spiritual* ; for it sometimes produces the warmest conceptions

The powers of the *imagination* or *fancy*, as they have often produced *juvenile* works of a most extraordinary nature, deserve next to be considered. Their province is to join and disjoin congruous and incongruous things; to form pleasing, ludicrous, or sublime combinations; to bring objects together which are far distant; to create a *whole* from the parts of different things, and thus form new definitions; imagination places a crown on a lion's head, and supposes the faculty of reason in a frog; the lion becomes a king, and the frog a counsellor. Even in birds

when the outward frame is apparently in a torpid state; and is often possessed in a greater degree when the senses are most blunted; as is the case with mathematicians. Instances might be adduced of individuals, who have been almost insensible to the cut of a knife, so entirely absorbed were all corporal feelings by the *intenseness of the power of abstraction*.

The argument that if God could communicate to matter the power of *thinking*, the supposition of an *immaterial* principle is useless; and if he could *not*, a want of power is argued, and he is not omnipotent, appears to be false; for we might as well say that, *because* gold does not possess the same properties of wood, or because God has not communicated the faculties of an elephant to an oyster, therefore God is not omnipotent; the fact is, certain laws and principles are evidently attached to various substances and beings. It would be absurd to suppose that a thing which, even to our gross senses, seems to be different in its nature, and to possess different properties from another thing, should be subject to the same laws and principles.

and insects, it infers human faculties, and changes men into stones and trees; for having a multitude of *forms* and *qualities* to work upon, it may make almost endless combinations.*

But among the extraordinary characteristics attached to the human mind, none can be esteemed more worthy of notice, than that intuitive power to discover truth *without study or premeditation*, which seems to be inherent in it: not only the most sublime ideas, but the most abstract and scientific principles have owed their origin to spontaneous suggestions,† and they have sometimes been communicated in a most wonderful manner to those who were not seeking them.‡ Instances might be adduced of

* When we consider how many combinations may be made of only *twenty-four letters* (the letters of the English alphabet), we cannot be surprised that the objects of the whole universe should present such a multitude of combinations to the imagination.

† These spontaneous suggestions have arisen either without or with external objects. Sir Isaac Newton calculated the compression of the earth at the poles with more accuracy in his room, than some of those who were making experiments on or near the spot; and it is well known that the fall of an apple or pear gave rise to his philosophical notions concerning attraction.

‡ Plato mentions an organ so purified and enlightened that it is worth ten thousand eyes, and *truth is visible through this alone*. Many hypotheses have been made concerning this pas-

persons born in penury, and reared among the most ignorant and corrupt members of the community,* who have nevertheless in time become the promoters of science, truth, and virtue; whilst others, assisted by all kinds of artificial advantages, have not been able, during a long course of years, to make any important discoveries. The above arguments all tend to prove that the faculties of the mind are not so much under the dominion of the *will* as has been supposed by some. It is certain that we can seldom successfully employ our thoughts on *mathematics* when the bent of our genius leads us to study *poetry*. If we are not naturally led to an occupation, it will generally be attended with little utility, and always with disgust. By counteracting the course of our ideas, we may, perhaps, oppose those hidden, incomprehensible principles by which they are formed. We cannot always *regulate*, still less *produce* ideas: we may *suppose* that we do so;

sage; but none of them, perhaps, coincide with the meaning of the sublime author.

* It cannot be denied, however, that extreme penury, consequent cares, ill usage, and other causes, may damp the finest genius, and bring an individual to a premature grave; so the most beautiful and luxuriant plant may be crushed by weeds and a bad soil; yet both the one and the other may, and do sometimes, flourish in spite of impediments.

but in reality the mind was predisposed for them by some occult laws, of which we know little or nothing; it is true they often appear to be excited by some material object; a person, a book, an animal, a plant, &c. will apparently produce a chain of reasoning, and tempt us to believe that the faculty of thought is purely material, and that the *vibrations* of the nerves are the sole causes of ideas; but we have proofs at other times that those identical ideas may arise in the mind, even more vividly, without the presence of any of those external objects. There are few who have not at some period or other found that a particular truth will present itself unsolicited to their minds, after having laboured for years to discover it, and that their powers have been exerted without effect to compose a poem, an essay, or a work of any kind, when their minds have not been predisposed for the execution; at other periods they have appeared to be guided by inspiration, and without will or design have produced the most sublime and accurate ideas.

From what has been said, it appears, that if those undefinable, incomprehensible principles, to which we are in reality indebted for the most wonderful productions of human genius, were more attended to in the education of youth, many hours of disgust, and weakness, might be pre-

vented, and children would reap more uniform and permanent advantages from the instructions they receive; they might also, perhaps, retain the full vigour of their faculties to a later period of life than they are likely to do by exerting them in an artificial and premature manner, by which apparent stupidity and incapacity have sometimes been produced.

The characters and mental faculties even of individuals who are educated together, are wholly different; and as in plants whose colour and shape are much alike, but which possess all distinct, occult properties, we cannot, strictly speaking, judge of one by another; so among human beings, we cannot judge of the mind of one by that of another; different brains may, perhaps not unaptly, be compared to nursery plants, in which some seeds are never productive, others moderately so, and some yield abundant and luxuriant crops; the first resemble the brains of those who scarcely display any greater powers than are necessary for the gratification of animal wants and passions; the pleasures of intellectual improvement, or refinement of sentiment, seem to be unknown to them; the second may be compared to the brains of persons who are characterized by good sense and general knowledge; the third resemble the brains of those who possess

both genius and learning, and whose intellectual faculties have been highly cultivated; wild plants which grow promiscuously upon heaths, and among hedges, are, however, sometimes marked by more extraordinary virtues than the pampered plants which are nursed with art and care, and they may not improperly be compared to the minds of some of the lower classes of society, or to those of children bred in poverty and ignorance, whose mental powers, metaphorically speaking, shoot forth amidst the thorns of adversity: it would be illiberal and unfeeling to stifle them. The intellectual faculties of some certainly appear to possess more energy without, or with very little, culture, than when they are swollen with forced ideas, which may suppress *genius* without adding essentially to *utility*; as a few grains of corn, sown in a garden of variegated flowers, would be of no *essential* service, but destroy the effect of the whole. Those extraordinary abilities, which astonish mankind once in a century, resemble rare plants, which are placed carefully in the cabinets of the learned. They form but a small part of the number found on the earth; and although there is often nothing remarkable in the colour or shape* of them, they

* The colour or shape of two plants may be nearly the same, yet the one may have the power of killing, and the other of healing.

are considered by the skilful botanist, who is acquainted with their occult virtues, as *a distinct kind*. Poisonous plants which produce tortures and death, may be compared to malignant and vitiated souls, which seek to destroy the happiness of every thing around them, and to produce pain and wretchedness; among them we find *gradations of power*; so among bad men, we see various stages of wickedness, that is to say, their bad qualities are more or less detrimental to their fellow creatures. The difference among human beings certainly appears to be *radical*, though it is, in some cases, difficult to discern; so in plants, two may appear to be of the same nature, and a superficial observer would pronounce them to be *the same*; yet the botanist, who is acquainted with the most minute distinctions even among the smallest, and apparently the most insignificant plants, will not be imposed upon by those outward signs, which deceive a less discerning eye. It is more difficult, however, to make distinctions among *human minds*, and to discover their *peculiar powers*, *i. e.* in what they differ from, and in what accord with, others, &c. because man, particularly in civilized life, and even at an early age, may, on certain occasions, endeavour to hide his real character from others; some passion or object in view may induce him to appear what

pp. 193 - 208 are wanting
& instead of them pp. 177 - 192 are
repeated.

he is not; or even should it not be his *intention* to impose upon the judgment, *circumstances* may not be favorable to the display of his virtues, or *vice versâ*, of his failings; his tastes and pursuits may alter, so that we may be puzzled how to describe his character; but as an experienced physiognomist can seldom pronounce with accuracy concerning an individual, by a short view of his features, but must observe the impressions made at different periods; so a metaphysician cannot ascertain the powers of a human mind, by observing only a few of its operations; he must converse with the individual for a length of time, or peruse some work of his, in which the nature of his intellectual faculties are fully manifested. When a botanist is puzzled by variations in a plant, by its construction, colour, &c. he watches every process of it from its germination to the full expansion of its various powers, and after ascertaining its characteristic qualities, classes it accordingly; he will sometimes find, after this investigation, that the soil is not proper for the seed, or that it is likely to decay for want of proper care;* thus the *germes* of human capacity may be suppressed in one situation, and may flourish in another.

* It has before been implied, that *some* plants may decay for want of care, though others flourish in spite of all kinds of impediments.

Architecture, notwithstanding the many *terms** which have been attached to it, is a science founded on very simple principles.

The first artificial covering to guard man from the inclemency of the weather, was probably made with twigs and leaves, in woody countries, and with skins of beasts, in countries that were not woody : a few pieces of timber procured as supports to those, gave rise to *columns*, which at first were of course *unadorned*. In order to have a *distinct idea* of each part of an enormous column, it afterwards became necessary to divide it ; and names were affixed to each division : it is probable, that those rustic props were at first made of wood, but in process of time (when the mode of preparing stone was studied) they were formed of stone.

The invention of the orders of architecture† is a singular proof of the powers of the human mind, which could on such simple principles raise those stupendous fabrics, which have excited the wonder of many generations.‡

* All these *terms* are founded on the relation between the form of the moulding, and something in nature.

† The simple circumstances which gave rise to them are well known.

‡ The preparing and cutting of trees, the various kinds of woods, the influence of the seasons on them, the imperfections incident to, the modes of preserving, polishing, and beauti-

Nearly the same arguments may be applied to every branch of human knowledge.

Amidst the multiplicity of scientific objects which present themselves to our minds, we ought to select, first, those which are most important *in themselves*; and, secondly, those which best accord with our tastes. It is desirable, however, to have a general knowledge of each science; and such a similarity exists between all sciences, that this knowledge may, by a proper arrangement of ideas, be acquired without considerable difficulty. Let us avoid entering into *details*, when such details cannot materially assist us in the immediate study which we are pursuing; in any *art* or *science* in which the terms are many and complicated, it is not necessary for a young person, except under certain circumstances, to

fying, and finally, the art of making use of them in building, were the objects of the first architects. Quarries, earth, and clay suggested the idea of obtaining more durable materials for the above purposes. The various kinds of stone, and the mode of making bricks, lime, mortar, &c. were afterwards discovered.

Sand and metals were also employed—and *fire* became a principal agent in all the preparations for building. By observations and experiments, rules were formed, to which architects attended; but it is evident that those rules were founded on the most simple principles, and if they have, in process of time, been multiplied, we must resort to their first institution, in order to have a clear conception of them.

be conversant in *all* the terms ; *clear* and *general* notions are merely requisite ; not only *ignorance of terms*, but *mistakes in the execution of designs* may often be excused. It cannot be denied, that to produce an effect sometimes requires as much sagacity, as to tell *how* that effect is to be produced : theory, however, is in itself superior to practice ; or, in other words, the head that plans is greater than the arm that executes ; though the latter is entitled to approbation, both among wealthy persons who are ingenious, and have much *leisure*, and among the lower classes of society, who are obliged by *necessity* to work.

CHAP. XXV.

OF WOMEN.

IN the early ages of society, chiefs were often chosen for their superior *corporal powers*: the original reason of this appointment was the protection of the weaker members of the community. The lives of men in a savage state are generally extremely laborious, and the dangers which they have to encounter render it necessary that the chief, or head of the people, which, in reality, is sometimes only another name for a *leader of armed men*, should be *strong*, and able to meet all those perilous adventures, to which those who have no civil institutions are perpetually exposed. This prerogative of bodily strength, however, created inequality among individuals of the same sex, and contributed to the subordination of women, in many parts of the world.* When those athletic commanders had obtained authority over a vast multitude of their fellow-creatures, they

* This subordination was certainly not *universal* at any period of history.

began to forget the end of their office, and instead of being the *guardians*, became the *tyrants* of those over whom they ruled. After various struggles for power, mental qualifications at length obtained a general ascendancy over mere corporal force, and men, comparatively feeble in body, but brave and virtuous, became the leaders of the people. Still, however, the subordination of women was countenanced in many countries; and among a few barbarous races they were even supposed to be of a nature different from men, *i. e.* to be divested of an intellectual principle.* This notion, however, was far from being *prevalent* at any period. One of a totally opposite kind seems to have had an early influence over the minds of men; a few enterprising females, in various parts of the world,

* It does not appear that Mahommed countenanced this opinion; for he declares, *that whosoever doeth good works, whether male or female, shall be admitted into Paradise.* (Alcoran, chap. 4.) Mahommed therefore supposed that women were capable of moral excellence. The above passage is mentioned, in order to contradict the vulgar notion, that women are not allowed by the Mahommedans to possess *souls*. Among the Jews, women appear to have been placed, at least in a spiritual point of view, on an equality with men. There cannot be a more convincing proof of this fact, than their having appointed a woman to be Judge of Israel; which was esteemed a most sacred character by that nation.

having signalized themselves by their courage in the field, and their sagacity in political affairs, a spirit of valour and wisdom pervaded the sex; they became leaders of armies, and directors of states: they were appointed to the supreme command, and placed with heroes in the celestial abodes.*

* Among the Britons, Gauls, Germans, and many other nations, women were highly esteemed. The Grecians and the Romans received oracles from some of them, whom they supposed to have the gifts of divination and prophecy.

CHAP. XXVI.

OF THE EDUCATION OF WOMEN.

THE important question relative to the education of women, is not whether their *intellectual powers* are equal to those of men, but whether their scientific pursuits must not often be subordinate* to those qualities which seem peculiarly to characterize them? After impartially considering the subject, the following principles may perhaps safely be laid down; First, Women ought, under all circumstances to cherish noble and virtuous sentiments; because those, however humble their stations may be, not only influence their general conduct, but also, in many cases, the characters of their children. Secondly, They may, according to their capacities and situations in life,† acquire such knowledge as may be most

* I say *subordinate* to those qualities, for women are not precluded from *scientific pursuits*; and in some cases those pursuits may, even with reference to the calls of duty, gain an *ascendency* over feminine qualities.

† No sensible female can object to this distinction; for *duty*

congenial with their tastes and dispositions ; but their studies must often be subordinate to the claims which their families, their friends, and their children, may have on them.* When mental acquirements are attended with the subversion of individual enjoyments, or the happiness of others, they can scarcely be deemed desirable ; though in cases of an *accidental* loss of health, property, &c. they are of very great value ; for they teach that sex, whose *sensibility* has been

is a consideration prior to every other ; a woman who is poor, and must support a large family, or a girl who sees her parents struggling for her subsistence, must certainly suit her occupations to the exigency of circumstances, and cannot indulge in pursuits which might interfere with her *duty* ; the grounds on which the distinction is made, therefore, must be obvious, and allowed by all classes to be rational.

* It may perhaps be said, that the same rule must hold good with respect to men, whose *duties* ought not, on moral or rational principles, to be sacrificed to their scientific pursuits. I answer, undoubtedly the same rule may be applied to men, but with this difference, that domestic concerns, the care of children, and even those delicate and personal offices of private benevolence, which are enforced by the heathen as well as the christian philosophy, seem more intimately blended with the duties of women, than with those of men ; their families, their friends, their children, therefore, could not so easily dispense with them. The rule mentioned is, however, a *general* one : the *kinds* and *degrees* of *claims*, depending on the various *callings*, *talents*, and consequent *duties* of individuals of *both* sexes are easily discerned.

supposed to be greater than that of men, to bear the privations and inconveniences which accompany illness, poverty, or any other calamities, with fortitude, to rise above their sufferings, and to look beyond mere sensual enjoyments for real felicity.

Those employments which require *intense and continued application of mind*, or *great bodily strength*, seem, generally speaking, to have been devolved on men: and the powers of women, except on particular occasions, appear to have been exercised in a different manner from those of men: were they usually to perform the duties of soldiers, or the offices of statesmen, their health might perhaps often be impaired: besides, there is a delicacy attached merely to the *sex*, without any reference to mental qualifications, which (except as I have before implied, *on particular occasions*) preclude some of those occupations to which men are accustomed from their infancy.

The history of almost every country furnishes instances of women* whose intellectual powers have been highly cultivated, and who have also signalized themselves by actions which appear peculiarly appropriated to men; but it would not perhaps be for the benefit of the human race, if

* Some of those women blended maternal duties with scientific pursuits; others devoted themselves to a single life.

women were universally encouraged to disdain those *little* restraints, to which nature as well as reason seems to subject them.

In most respects, however, the education of women ought to resemble that of men ; and if they are in general subjected to a few restrictions connected with those peculiar duties, which they may be called upon to perform (the nature of which has been explained), they are repaid by the love and respect of the other sex, which must ever accompany the sacrifices they make.

We must avoid confounding harshness and severity with that *kind* of discipline, which strengthens the intellectual faculties without offering violence to the feelings of women : noble and rational objects of pursuit ought rather to be *offered to*, than *forced on* them from an early age ; they will then, perhaps, *insensibly* love virtue, without knowing vice.

CHAP. XXVII.

OF PUBLIC SCHOOLS.

PUBLIC SCHOOLS are, perhaps, better calculated to remind the younger members of society of their *relative* duties in life, to enforce the necessity of obedience to those in authority, and, generally speaking, to prepare the mind for a proper exercise of its various faculties, than any other kind of national institution, provided they are *regulated* on the principles on which, in order to answer the salutary ends abovementioned, they ought to be *established*. Those principles include the public good, impartiality of rewards and punishments, and strict equity in the most minute, as well as the most important, regulations belonging to them. A school *thus* conducted ought to resemble a virtuous commonwealth, in which each individual is striving to perform the duties assigned to him, and is more ambitious to receive the badge of *merit* from an approving superior, than to rank above his fellow-citizens in riches and honours,

In a public school there ought to be no rivalry, but that which is founded on a love of industry and virtue ; neither ought there to be any envy ; for, according to the principles laid down in Chapter IV. distinctions do not degrade, but *contribute to mutual security and happiness*. Allowing, however, for the weakness and perversity of some human characters, it might, perhaps, be expedient to counteract as much as possible those malevolent emotions, to which a view of superior dignity and wealth sometimes gives rise, in hearts *not* purified by a *love of industry and virtue* ; and this end would probably be attained by the following regulations (and others of a similar kind) with respect to the pupils : * *i. e.* First, That they should submit to the same rules, without claiming any privilege on account of rank or fortune ; secondly, that they should wear the same kind of dress, *i. e.* of the same kind of materials, the same colour, and the same form ; thirdly, that they should lie on the same kind of bed, and use the same furniture ; fourthly, that no particular ornaments or luxuries should be appropriated to one more than to another ; fifthly, that they should eat the

* Some *minute* circumstances must of course be attended to, and unavoidable exceptions sometimes made, by the masters ; but they cannot destroy the principles on which the general rules laid down are founded.

same kind of food, except when ill health, or any other particular circumstance, might make it absolutely necessary to grant an *exemption* from the rules; sixthly, that no pupil should possess a larger sum of pocket-money than that which is mentioned in the rules; seventhly, that none should be exempted, on account of any worldly advantages, from proper admonition; eighthly, that days should be appointed on which all the pupils should meet in amity, and hear lectures, calculated to promote a love of knowledge, to enforce the necessity of certain virtues, and to encourage subordination, founded, however, on principles of the most rigid justice, and *universal benevolence*. In those meetings, every pupil, whether designed for a senator, a professional man, a merchant, or any other situation in life, might be particularly reminded of his duties to his companions, not only as school-fellows, but as members of that commonwealth, in which each individual would shortly begin to exercise the peculiar functions allotted to him, and contribute to the strength, the welfare, and the glory of his country. Civil distinctions might on those days be *wholly* laid aside, in order that *pure philanthropy* alone might animate all hearts.

It appears from Chap. IV. that in a large body of individuals, distinctions must, to a certain ex-

tent, always prevail: if *absolute* equality, therefore (which it has been proved cannot exist), were established in a public school, we should soon see the pupils distinguishing *each other* for superier learning, and favour shewn by masters in consequence of uncommon merit; we should perceive *innate* dignity in some, and despicable qualities in others; those whose pursuits, talents, virtues, and future views in life were nearly the same, would probably seek the society of each other: all the above circumstances, and others which may easily be imagined, must give rise to *distinctions*: but I have, in this Chapter, endeavoured to enforce two principles, which seem calculated to obviate those animosities which are apt to arise among a large number of boys of different classes: First, that outward distinctions, founded merely on riches, ought to be avoided; secondly, that at certain periods, the civil claims of *each* boy should be acknowledged by *all* his companions; and even moral defects forgiven and forgotten, in the triumphs of CHARITY.

It is evident that the *kind* of equality which has been enforced does not prevent the *rewards of merit*; neither does it interfere with those various situations in which the pupils must necessarily be placed, on quitting the jurisdiction of

their masters; therefore the above, and similar regulations (which are, however, only humbly submitted to my readers), *might* have the most salutary effects on the minds of young persons of both sexes, and in *female* seminaries be adapted, and altered, according to the judgment of the persons who superintend them. Those regulations cannot, I trust, be deemed useless, which tend to promote liberality of thinking, to prevent injustice, to enforce obedience, and to produce the most punctual adherence to honour in the minute, as well as the most important concerns of life.*

* In addition to the rules already mentioned, it might, perhaps, without impropriety, be observed, *that the discipline of a public school ought to continue uninterrupted from the time of the pupil's arrival to his return to his parents and friends; who during that period might see, converse, and correspond with their children, or those committed to their care, but not keep them at home; lest they should, from any cause, become disgusted with the discipline of the school, and diverted from their studies.* The holidays might be kept among themselves, and it would be easy for the masters to obtain leave, *in their turns, to visit their friends, &c. at those periods; without neglecting their pupils: but such a regulation may, perhaps, be deemed too severe; though it might be attended with very salutary consequences.*

CHAP. XXVIII.

OF PUBLIC CHARITIES.

It is necessary that public institutions, for the benefit of the poor, the aged, and the destitute, should be regulated on principles which do not militate against the end of their establishment, i.e. the relief of indigent, helpless, and meritorious members of the community. Now, if an improper kind of influence be employed, to exclude some who are deserving, and to introduce others who are not deserving; if favour and interest mingle themselves with those noble and impartial incentives, which actuate the people at large in their donations, or exertions, for a fellow-creature; if objects who deserve attention are suffered to die in despair, without succour, while persons of no merit, whose distresses are not particularly urgent, are, by *favour*, or *interest*, received; institutions denominated *public*, become, in reality, mere modes of answering some *private* purposes, and the evils which they are supposed

to prevent, are *heightened* to a great degree, instead of being remedied : the *public good*, therefore, and *only* the public good, ought to be the *object* of all *public charities*; and in order to *secure* this most important object, it is incumbent on the principal directors of such charities, first, to place persons as superintendents who are distinguished for probity and honour ; secondly, to make such rules and regulations as may effectually prevent all unjust and oppressive proceedings; thirdly, to hear the complaints of *all*, without distinction or partiality ; fourthly, to make frequent visits to the sufferers, and not rely *merely* and *solely* on the reports of superintendents, however respectable and worthy of credence they may be. This last injunction is founded on the following principle : that it would be hard to affix suspicions on any persons who might be appointed to superintend charities ; therefore, in order to prevent the appearance of partiality, with respect to *some*, regular visits ought to be made by the directors, or those who are supposed to be more particularly responsible for any kind of injustice or oppression.

CHAP. XXIX.

OF SERVANTS.

THE principles on which civil distinctions are founded having been discussed in a former chapter, and the duties of servants and masters, slightly adverted to, as forming part of that system of exchange which exists, from the sovereign to the poorest subject; I shall now more fully consider the nature of that compact, which is established between servants and those whom they serve. It appears to be founded on the following suppositions, viz. First, That for certain offices, which the one agrees to perform, a certain equivalent, also *agreed upon*, for the performance, is given to the other; secondly, that on the failure of the performance of such offices,* the obligation of payment, or return, of course ceases. It is

* Servants ought, in order to prevent *confusion*, to have *stated* offices, particularly in large families: but as the very term imports the act of *serving*, or rendering *services*, it is certain that the master or mistress is the best judge of those actions which may be denominated *services*; hence, in the ab-

essential that the conditions of this compact should be perfectly understood by both parties, which would obviate many serious disasters and misunderstandings in families.

The situation of servants, or of individuals hired for *domestic* purposes, resembles in some respects that of soldiers hired for military ones; and as it is necessary, for the welfare of the nation, that the latter should be thoroughly acquainted with their duties, so it is requisite, for the safety of individuals, that the former should fully understand the principles which bind them to those whom they serve. They are, however, *free agents*, and not, in reality, enslaved by their situation, since they may change it for another. It must be the lot of many to work for a livelihood; but with reference to civil society, the master can no more do without the servant, than the servant without the master; the former wants those particular offices performed, which, in a similar situation, the latter would require; and the latter wants those necessities of life, &c. which he receives from the former, in return for his services. In this case also, as in the case of

sence, or, in case of the illness of one servant, another must often perform his duties, at least during a stated period. Justice and good sense will of course draw proper lines, with respect to those duties.

the soldier, a master will sometimes, on the strength of the merit of his servant, signalize,* and even confide in him; but he might justly express surprize, if, with reference merely to their *respective characters* and duties, the latter were to be remiss, or refuse to obey orders.

Servants are bound to confine themselves to their duty, and can have no right to be the *tit-sors* of their masters, except on those particular points which relate to the compact between them; they can only quit a service which is loathsome to them † All the relative duties of

* Might not the custom of allotting a certain part of a family burying-place, or vault, for the servants of the family, be attended with very beneficial effects? This custom was prevalent among many ancient nations, and particularly among the Romans; and it is well known the servants of those times were distinguished for probity, for attachment to their masters, and for noble principles.

† If a master were absent from home days, weeks, or months, and suffer his servants to retire to bed at the usual time, or to go out with certain precautions and restrictions connected with his own *safety*—they would take an insufferable liberty, to make any comments on his conduct. But if a master were to require sacrifices of his servants, which might greatly endanger their health, or even expose their lives, they might justly remonstrate against, and even refuse to obey his orders, or in other words, quit his service. If a master were to spend immense sums of money in any way, and yet pay his servants the sum originally agreed upon, and in other respects act with

their masters with others cannot concern them, except as far as they affect that compact in which they are immediately engaged ; they are bound, however, to oppose violence, fraud, and injustice, with respect to those whom they serve, and, if *called upon* by their injured masters, they may personally exert themselves, and thus enter into a kind of *relative* engagement, by the *knowledge* and in the *defence* of those whom they serve.

Having defined the general nature of the compact, according to the conditions of the compact made between them, the latter could not call the former to an account with respect to the disposal of his property ; but if a master, without lawful and just grounds, were to keep back the wages of his servants, or deny them their rights, according to the conditions of the compact beforementioned, they might justly complain—similar instances may be imagined by my readers.

It must be evident, on reflection, that if nice distinctions, relative to the duties of masters and servants, were not made, an equilibrium, though a minor one, in civil society, would be taken away, and serious consequences might ensue : respectable persons might often be great sufferers, from the conduct of the *most depraved* among the lower classes ; and *worthy* individuals, among the lower classes, might be victims to the tyranny and injustice of their superiors.

Servants may, in a greater or less degree, *experience*, even in the situation of *masters*, the truth of the principles which have been laid down ; many of them, at some period or other, keep establishments of their own, in the form of shops, inns, &c.

pact between masters or mistresses and servants, I shall now briefly ascertain the limits of the power of each.

No human being has a right to make another act against his conscience; in case of such an attempt, the subordinate person may resist; but servants are, in this respect, much in the situation of soldiers; they cannot be answerable for any thing done amiss by their masters,* any more than soldiers can be responsible for the conduct of their commanders; though the former have certainly a right to leave one place for another, and the latter might, perhaps, with certain restrictions, or particular cases excepted, be allowed the privilege of leaving the jurisdiction of those whom they detest and despise; but *while they keep their respective stations*, they are bound to obedience, whatever may be their private sentiments, and a refusal to obey orders would be a direct breach of the compact into which they have entered. It is easy, however, in both cases, to distinguish between a spurious kind of authority, and that authority which is founded on good and rational principles, and which appears to result from necessity.

* It may also, on the other hand, be said, that masters cannot be answerable for the mistakes and ill conduct of their servants, from which they may in some cases be sufferers: the same may be said of commanders, with respect to soldiers.

CHAP. XXX.

OF INNS, PUBLIC-HOUSES, &c.

EVERY individual who provides another with the necessaries or luxuries of life, in return for money, or any other *established and legal medium of trade*, with *interest thereon*, is in reality a trader, and becomes subject to the same laws and regulations as are applicable to merchants of every description; for it is, *strictly speaking*, the same thing, whether provisions, coals, &c. be sold *at once and entirely*, or whether they be provided in small quantities *daily, hourly*, or at *different periods*; so it is the same, though the profits may be greater, whether the money spent on a bed, or a piece of furniture, be repaid with interest immediately, or whether it be made up *by degrees*; it follows, therefore, that inn-keepers, of all denominations, are as much indebted to the public, and are bound, consequently, to be as free from prejudice and partiality, as shopkeepers and merchants. They may, it is true, receive and acknowledge private benefits, or acts of

friendship (for this is a privilege attached to every class in society), but their conduct ought not, nor cannot, without a gross violation of justice, interfere with the duties they owe the public; it follows, therefore, that persons thus situated have no right, generally speaking, to make minute enquiries into the concerns of those whom they serve, except their interest or welfare be implicated; they have no right to deny commodities to any customer. If they sustain any serious injury or damage, they, like all other denominations of men, may apply for redress.

It is certain that those who may accidentally have dealings with known meritorious characters, will naturally feel more *satisfaction* in serving them, than if they were persons of a different description; but their sensations can only act *privately*, or *independent of their situation as traders*.*

* For instance: if a worthy individual were brought destitute and afflicted into an inn, or public-house, it is probable that the master would, if he were susceptible of proper feelings, be more inclined to risk any little losses for a *good*, than for a *bad* man: and to administer to the necessities of the former than of the latter. This argument may, of course, be extended, and applied to all persons in public situations: they must, however, draw a proper line between private and public duties, and not suffer the one to be blended improperly with the other.

The very vague and contradictory accounts,* which often prevail concerning individuals, would make it absurd, as well as unjust, to infringe on the laws of trade, merely on account of any reference to the character of a person, who happens to be an inhabitant of an inn, public-house, &c. *Private feelings* must of course operate, but *private feelings* ought never to subvert those impartial principles which ought to influence traders. Every man may choose partners in trade, associates, and friends; but his *duty* towards those is *distinct* from his dealings with *the public at large*; and even his dealings with *them*, in a *private* and a *public* point of view, are distinct.

From what has been said it is evident, that the most opulent persons must, when they quit their own establishments, or houses of private friends, condescend to share their comforts with the meanest individuals; the only difference made is through the medium of money, *i.e.* the former will

* Even supposing they were *not vague*, and *contradictory* accounts, yet still they could only operate on private opinion. A man in trade would certainly not be inclined to leave his property in the possession and at the mercy of a swindler, or to give him goods on credit, without ample security. He would not *intrust* him with any thing, but he would have no right to deny him an exchange for his money.

have better and more expensive things, because they choose to pay for them ; but the host has no right to *neglect the one in order to serve the other* ; though the *mode* of serving each may, according to the established rules of his house, be different.

It would not argue good sense in any distinguished personages, who might come to an inn or public-house, to oppose rules which must be applicable to travellers of every description ; they ought rather to *receive* than *demand* an *exemption* from those rules, when they take up their abode at any house destined for the comfort and entertainment of persons of *all denominations*.

It is a question, on the principles which have been laid down, whether the custom of *keeping rooms and provisions, to the exclusion of first comers*, be a just one ? The objections made to it must, however, be understood with certain restrictions. I have, in a former chapter,* given a general instance of the *abuse* of the principle of liberty ; I shall now, with reference to the arguments above employed, observe, that comfort, safety, and convenience ought, more especially in a wealthy and civilized country, to be ensured to travellers of *every description*, therefore to molest or encroach on the rights and enjoyments of

* Chap. XV. Of Influence.

others, is to militate against that *mutual security and happiness*, which it ought to be the object of all our *customs*, as well as *laws*, to promote. For this reason I have mentioned "established rules," and little more need be said to prove, that *nice distinctions* must always be made by persons to whose judgment we submit *general principles*.

CHAP. XXXI.

OF POSTS.

THE institution of posts seems to be founded on the following principles ; cheapness and convenience. The payment of the messengers is most equitably proportioned to the distance from which letters may come ; and the *immense number* of twopences, sixpences, eightpences, &c. for distances which, were a more private mode of conveyance employed, would be attended with the expenditure of at least as many shillings, makes amends for the comparative smallness of the sums, to which the poorest classes occasionally contribute, with *little expense and no trouble*. Were it not for the establishment of posts, they could seldom have any communication with their relatives and friends, who might reside an hundred miles off. But if the cheapness is an important object to the poorer members of the community, the convenience attending posts must be a great consideration to all classes. One messenger might be ill,

and another retarded by accidents, but the post-men arrive in most of those quarters of the world where they are known, as certainly as one day succeeds another;* nothing less than an interruption from some natural cause, which seldom occurs, such as the roads being impassable, &c. can impede their course. Nay, when it is *possible* to pursue it, neither thunder, rain, nor wind, deter these faithful public servants from doing their duty; and if one cannot go, another must be supplied, without either trouble or expense to individuals. The institution of posts is, therefore, a most useful and salutary one; but it cannot be too strongly impressed on the minds of all those who keep offices for, or convey letters and communications to, millions, that not only the comfort, but sometimes the security, of all denominations of persons depends on their honesty and punctuality. In matters of business, whether private or public, disappointments in the receipts of letters, or papers, may sometimes be productive of very serious consequences; but without laying any stress on the *consequences* which may attend neglect, when business, pecuniary or of another nature, is in question, it must

* It is scarcely necessary to observe, that certain days are excepted.

be obvious that any mode of communication established by a nation, for any purpose whatever, ought to be considered as *sacred*; it matters not whether the contents of post-boxes, or post-bags, be *trifling* or *important*, it is equally the duty, in both cases, of those who keep offices for, or carry letters, to guard them with scrupulous honour, and to deliver with punctuality. They ought not, strictly speaking, to delay the delivery for half an hour beyond the stated and legal times appointed, except, indeed, in case of extraordinary and unavoidable accidents; for suppose a person were told, *after* the decease of another, that a letter had been sent by desire of the dying person, but, by the neglect of the postman, had not been delivered soon enough to enable the survivor to attend, to administer comfort to the departing soul, would not such a circumstance be very painful even to the feelings of the postman? Would he not also hear with concern, that a person whose safety, under some particular circumstances, another had endeavoured to ensure, or ruin to prevent, had not received the intelligence time enough to be benefited by it? Surely an individual who had occasioned such and similar disasters by his *neglect*, without any malevolent intention, must be considered as very reprehensible, because he has dis-

regarded the chief duty, for good and urgent reasons, required of him, *i. e.* punctuality. But if the above requisites are expected in those who keep offices for, and those who convey letters, &c. the most scrupulous adherence to honour is required of those who superintend general post-offices: even if letters, from any accident, arrive open, their contents ought not, strictly speaking, to be perused; but if perused, whatever they may be, whether of a private or public nature, the persons employed ought not, either in a direct or indirect manner, to make them known. In order to obviate any improper or illegal influence, it is perhaps more necessary to change the persons often, who superintend general post-offices, than any other description of men who are the servants of the public.

On account of the high degree of responsibility attached to them, it is almost impossible to lay too great a stress on their integrity.

The arguments employed throughout this Chapter may, generally speaking, be applicable to all kinds of public conveyances, whether by land or water, warehouses for goods, offices of various kinds, porters, carriers, &c.

Punctuality is the principle on which they ought all to be supported, in order that one of

the primary and important ends of their institution might be answered: *i. e.* that each individual in a community should feel as secure in making any kind of public-deposit, as he did when he had his property in his own possession.

CHAP. XXXII.

OF THE MINOR REGULATIONS IN CITIES AND
TOWNS.

THE mere *aggrandizement of a state* is not the only object which claims the attention of a good government, though much wisdom and political knowledge are often necessary for the attainment of it. *The happiness of individuals* is also worthy of its notice : every thing that imbitters private comfort, and perverts or vitiates the feelings of the people, appears to influence, in a greater or less degree, the welfare of the community at large ; a regard for *the happiness of individuals*, therefore, seems to be a duty incumbent on government.

The *minor*, as well as the more important, regulations in cities and towns, have reference to the rights, safety, health, peace, convenience, and even *feelings*, of the inhabitants, of every class, profession, or occupation ; hence the making and repairing of roads, streets, houses, canals, drains, fences, harbours, bridges, &c. their

cleanliness, the removal of nuisances, or any thing that may infect the air, and a variety of similar objects, though considered of an inferior nature, compared to the enlarging of territories, or raising armies, are attended to by all governments; but there are circumstances attached to most cities and towns, whether large or small, which have not always been deemed of sufficient importance to deserve particular notice; and though individuals may, perhaps, have complained of them, the people at large, occupied often in struggling for bare subsistence, and subjected to serious and heavy evils, have not appeared to be impressed with a sense of their impropriety: they seem, however, to militate against some of those ends, for the attainment of which civil power was first established. I allude chiefly to the cries, bells, &c. which are heard in the streets, not only in the metropolis of Great Britain, but in most cities and towns in Europe. To the sick, the afflicted, the studious,*

* The Persians, in teaching their Institutes, endeavoured to exclude noises from the buildings which were appropriated to the purposes of education; and in most parts of the world, the same precaution has been taken with respect to *religious* buildings. It may perhaps be urged, however, that as a power of abstraction is peculiarly attached both to scientific and religious concerns, noises of any kind ought not to divert the attention of the mind from the subject of its speculation. To

and, generally speaking, the female part of the world, those noises* must be peculiarly irksome ;

this argument I humbly answer, that those who have by habit and perseverance acquired a power of abstraction (as for instance some of the masters of schools), may be insensible to all outward circumstances in the midst of their studies, and their feelings alone may be sometimes a little affected by them ; but children, and very young people, whose attention is apt to be diverted by every sound, and every object, though they may, from the fear of punishment, mechanically repeat words ; can seldom reap any real or permanent advantages from the instructions of their masters in the midst of discordant noises. The confusion, therefore, which is often prevalent in schools, does not appear to be favourable to the reasoning powers.

On board a ship, or in other situations, the case is very different, because the very acts performed are acts of duty, and are therefore sacred.

* Among the noises alluded to, the hoarse and broken sounds of young consumptive, and old decrepit, ballad singers may be mentioned. Were those wretched beings to exert themselves in this manner merely to excite compassion, the mode employed would still be liable to objections ; but when their avowed object is to amuse the public, every impartial mind must be struck with the absurdity of such an attempt, which is shocking to the feelings even of persons in high health, but to the sick and the weak, may be productive of the most serious consequences. Of a similar nature are the harsh and hollow tones of those poor wretches who cry dying speeches (sometimes invented, but generally inaccurate) of malefactors, perhaps less deserving of the name than those who thus announce their disgrace. The above, and similar modes of arresting the public attention, appear to be highly reprehensible, because they obviously tend to harden the hearts of the people.

and when it is impossible to escape from them, as may be the case in certain situations, they become still more disagreeable, from the conviction that they cannot be avoided ; it would therefore, perhaps, be desirable if other general modes of commerce, of a more quiet kind, were introduced, instead of those to which I have alluded : this is, however, only an humble suggestion.

I am aware that particular regulations of the nature hinted at, with respect to trade, might *appear* like an infringement of the liberty of those engaged in it. Every individual has certainly a right to dispose of his merchandize in the manner most agreeable to him, and in the manner which is deemed by himself most lucrative. Yet, though it would be impossible *legally* to establish any modes of commerce, *without the consent* of the people ; or, in short, to interfere in any thing in which they are personally and immediately concerned, without their sanction ; might not regulations made for their general advantage,* as well as for other political purposes,

* There are perhaps few who would not, on reflection, be ready to admit, that the custom of *perpetually straining the lungs*, sometimes in the midst of unwholesome fogs, rain, and wind, added to the laborious exercise, even at the time of this exertion, carrying weights, &c. must often be very pernicious to the common people, particularly to women.

meet with their approbation ? I do not, however, specify any ; but only enforce the principle, that every thing which tends to promote the good of individuals, has a greater or less influence on the welfare of the public.

For this reason the mode of building, and the situation of houses in cities deserve consideration, as intimately connected with health and comfort.* After having made this general remark, it is almost unnecessary to enter into minutiae concerning the alterations which might perhaps still be made in building, in order that the salutary ends above-mentioned might be fully answered.

There are other minor regulations in cities and towns, connected with some of those objects, which all good governments have in view ; but the sagacity and experience of my readers must supply the place of an enumeration which might, perhaps, give rise to cavils.

* If a small portion of land were lost in each habitation, it would not be comparatively an object of any importance.

CHAP. XXXIII.

OF FOOD.

“ *Man's* nourishment by gradual scale sublime

“ To vital spirits aspire, to animal,

“ To *intellectual*, give* both life and sense,

“ Fancy and understanding.”

“ Time may come, when men

“ With angels may participate, and find

“ No inconvenient diet, nor too light fare.”

Milton's Paradise Lost, Book V. v. 483, 493, 4, 5.

THERE are *determinate* laws, which pervade the creation, and to which *Man*, in common with the most insignificant beings, is subjected:† but he is also characterized by a principle which enables him to enjoy pleasures unknown to brutes. At a feast he can mingle benevolent acts with pleasant and even instructive conversation, while he is partaking of those means of preserving life which were ordained for the *happiness*, as well as *preservation*, of the species: it is his duty to

* As secondary causes.

† Vide Chapters III and IV.

enjoy, but not to abuse, his privileges, and the *intellectual principle*, to which I have alluded, is here of great use in directing him; for if even his *understanding* may be made subservient to bad purposes, in how much greater a degree must his *appetites* be liable to abuses.

In animals and vegetables, we find various combinations of the same substances which are found in human beings, and Nature seems wisely to present to them, at different times of the year, what is best suited to the several materials of which they are composed.

She seems also, generally speaking, to appropriate different productions to different soils and climates, and of course to the constitutions of their inhabitants; even medicinal herbs appear to be afforded for the cure of those disorders to which the natives are most subject. The Chinese, Persians, Indians, and other eastern nations, perform wonderful cures by herbs found in their own country, when the medicines of other climes wholly fail in their effect. It is true, valuable drugs are both imported and exported; and they have been tried with success on persons belonging to different nations. Let it be remembered, however, that from the almost universal association which human beings have had with each other since the great extension of commerce,

some disorders have been communicated and inherited. It must also be admitted, that the same *causes* of disorders, though in countries thousands of miles distant from each other, may require the same remedies; wherever a damp, thick, unwholesome atmosphere prevails, the same mode of living, and nearly the same manner of treating diseases, may be necessary, but the general rules laid down, are not invalidated by a few exceptions: Nature, in general, has adapted air, soil, the productions of the earth, and *men*, to each other; in every country also there are seasons for different kinds of food, and perhaps it might be laid down as a principle (of course with proper restrictions), *that we ought to feed on what Nature produces in most abundance, and of the best quality, at different times of the year.* As bodies have evidently a connexion with every kind of substance found on earth, and are, generally speaking, supported and strengthened, or weakened and destroyed, by food, the *quality* of it must of course be of great consequence; even animals seem instinctively impressed with this truth, and (as Pope justly observes)

“Shun their poison,” and “choose their food.”

It is well known that most animals, but particularly cattle and dogs, will reject unwholesome

herbs, &c. even though mixed with others of a contrary quality; the same kind of instinct extends to human beings, and perhaps often exists in them, in a higher degree of perfection than in brutes; because, though the former are subjected to some of the laws which act on the latter, yet they are also characterized by *exclusive* ones, which enable them to reason on, and even to regulate those belonging to their common nature.

Why should every thing have its season? Why should fruit be given in summer instead of winter? Why should the various vegetables of the earth succeed each other, but because it seems to have been designed by Nature that we should receive her gifts as she bestows them, and not disdainfully inquire *why* she yields verdure at one time of the year, and denies it at another? Or why the same grain upon which *poultry* feed, serves for the nourishment of so superior a being in the creation as Man?*

* With respect to *that particular kind of food* which has been forbidden, not only by some of the eastern codes, but by the early Christians, we are forced in justice to acknowledge, that the prohibition may be founded, not only on rational principles, but on some laws of Nature, which, though not immediately obvious, might have been deemed, by early legislators, sufficiently important in themselves to bind succeeding generations: it is certain, however, that their validity has not

been universally acknowledged, or enforced, even by wise and enlightened men : a single verse in a book which they deemed sacred, probably influenced them : but they did not reflect that it might perhaps bear another interpretation : the early Christians were evidently of this opinion.

CHAP. XXXIV.

OF THE TREATMENT OF ANIMALS.

THE benign precept "vex not a stranger in the land," may perhaps lead us to a more general and extended law, but founded on the same principle of humanity which forbids cruelty to animals, because man has dominion over them, in the same manner as a nation has power over a stranger who inhabits their land.

The laws concerning the treatment of animals may be divided into *public* and *private*: the first may again be divided into those which relate to animals perpetually employed for daily, domestic, and useful purposes, and those which may be applied to animals that are slaughtered.* The regulations of humane statesmen, in ancient and modern times, and the good sense of my readers, must preclude the necessity of my adverting to the former; and the latter cannot, perhaps, be studied in a more satisfactory manner

* The same animals may, of course, often be considered in both those points of view.

than in the five Jewish laws which relate to the mode of killing animals.*

With respect to the private treatment of animals, little need be said : those who are hardened and depraved by a long course of inhumanity† (and perhaps those alone would be guilty of de-

* Some butchers, poulterers, &c. have, to their honour, attended to those laws, or at least to the principles on which they are founded, and perhaps habit, or want of thought, have alone prevented them from being more universally acted upon.

† It may perhaps be urged that children, and particularly boys, will sometimes, at a very early age, evince a disposition to torment animals and insects: I have before hinted (Chapter XXIV.) at innate depravity, and presumed the existence of it; but with respect to very young children, it may further be said, that their reasoning powers have not been exerted with respect to surrounding objects; they see an insect move or spin, and they laugh, because they know not that *pain* is probably mingled with the motion that diverts them; indeed, they have not a distinct idea of *pain*; when they can be impressed with *that* idea, the sport no longer pleases. The teaching of birds to sing is founded on the same principle, ignorance; a child is told that it can by certain means make a bird sing; the child is pleased with the idea of *the bird singing*, but does not reflect that it must *suffer pain* before it *sings*. This reasoning is complicated at three or four years of age.

It may further be said, that those animals and insects which boys are most apt to torment, are generally vile and noxious; the argument cannot, at present, be with propriety extended any further.

liberate* cruelty towards them) would be little influenced by any *argument* on the subject: their conduct towards brutes being connected with their actions towards men, can alone be changed by time and reflection.

The poorest and most illiterate person, whose heart is not corrupted, feels a kind of tenderness for the poor dumb guard that shares his scanty food, or for the animals that receive their daily sustenance from him; and if, from some powerful motive, he is obliged to take their lives, he at least strikes the blow with expedition and humanity.

* I say *deliberate*; for a choleric man, who nevertheless may possess a good heart, will sometimes in a passion strike even his friend, or his own child, and be sorry for it afterwards; this may be more peculiarly the case with respect to his horse or his dog.

CHAP. XXXV.

OF NATIONAL INSTITUTIONS, PUBLIC BUILDINGS, &c.

EXPERIENCE and the testimony of ages have, I believe, demonstrated the fallacy of a principle, which has nevertheless admitted of plausible arguments in its support: *That a great degree of national exaltation tends to weaken, and subvert the civil authority.* In some celebrated ancient cities, it was deemed a sufficient honour by their respective inhabitants, to belong to them; but though much importance was attached even to the poorest citizen, anarchy was not produced; and perhaps if the real causes of political disasters were candidly investigated, the *degradation*, not the *exaltation* of the people, would be found among those which are most to be deplored.

I have before observed,* "that those alone who understand the nature of that compact which enforces benevolence towards each other, and obedience to the laws, can be expected to be mild and tractable in a case of public emergency." I will now, in conformity with the principles already

* Chap. XIX.

laid down, venture to maintain, that the more the people are impressed with an idea of their importance, not only in the country in which they happen to have been born; but in the great commonwealth of the world,* the more likely will they probably be to fulfil their duties, and to contribute to that desirable equilibrium of power, wealth, and happiness, which ought to be formed in every free state.

The primary, and most simple duty of a government is to provide for the common *wants* of the people: this includes little more than a *proper cultivation of the earth*. The next duty is to attend to the importation and exportation of commodities for the common *comforts* of life. This is an extensive concern, and includes the care of rivers, canals, roads, bridges, and other public conveniences connected with *trade*, and consequently with *manufactures*.

Public schools, public charities,† and hospitals of every description &c. may be established for the happiness and security of the people, before

* Vide the conclusion of Chap. XXI.

† Public granaries might, perhaps with propriety, be added to the list. These ought to contain various kinds of stock, in case of any scarcity, and might be under the direction of persons changed every year (or oftener), and subjected to rules known to the public.

any considerable *improvements* are made in manufactures; they may exist in the infancy of states, when trade is merely *domestic*; and consequently, at an early period of civil establishments, they demand the care of a government. The *advantages* attached to them will of course increase with national prosperity.

After having attended to the important objects abovementioned, a government may perhaps, with propriety, devote part of its revenue to *national institutions*, and *buildings* of various kinds; some for the sciences and arts; others for purposes of amusement; strict impartiality ought to be the basis of all such institutions, and those difficulties of admission obviated, which perhaps only impede the progress of knowledge, by excluding persons of merit and genius from advantages which it behoves every good government to offer to its subjects of every class.*

I have made the above brief remarks relative to the general duties of a government, not with a view to teach my readers what they do not know, but merely in order to trace a nation from its most simple state (when it is composed chiefly of husbandmen, and that the government is consequently occupied merely in providing for

* The rules and restrictions dictated by common sense need not here be obtruded.

the common wants of the people), to its utmost degree of perfection, when population, trade, wealth, and learning, are extended to a great degree. It is then that the residue of the riches of the government, after paying its necessary and legal expenses, ought, perhaps, to be devoted to purposes of general and national happiness; and that the people ought more particularly to feel the benefits of any accidental increase of wealth to the state. Even the money expended individually on men placed in elevated situations, ought generally to be considered with reference to their public consequence. Some of the most opulent Romans seem to have well understood this principle; and though at triumphs, festivals, and ceremonious entertainments either at home or abroad, their dignity was proverbial, yet among a few friends, or when alone with their families, their simplicity was equally remarkable.

CHAP. XXXVI.

OF FUNERALS.

It appears to have been a custom prevalent among most nations, from ages immemorial, to express their sorrow for the loss of friends and relations by some outward signs: those signs have been as various as the characteristics of the individuals who have exhibited them, or rather of the statesmen and legislators who instituted them. In some countries, cries, contortions, and lamentations, are added to mourning habits; in others, grief seems to be smothered by a profusion of white handkerchiefs; still, however, in most civilized countries, *black* draperies, bands, streamers, and plumes, follow in procession the body of the deceased; and that *lugubre* mixture of deepest shades certainly appears well to denote the awful gloom of the grave, and the corresponding sensations of the survivors; yet whoever has seriously observed the great degree of levity which unfortunately often prevails at interments, must acknowledge, that the black vest-

ments, nay, even the sight of the mourners themselves, do not appear, from some cause or other, to excite those solemn and devout sentiments which every moralist would, on such an occasion, wish to see impressed on the minds of the spectators. It follows, therefore, that the end for which this gloomy show is presented to the eyes of the people is at all events not answered, and it might perhaps be attended with good effects, if some mode of consigning bodies to the dust, less offensive to the senses, and more striking to the intellect of mankind, were adopted. It is evident that much or little pomp, many or few ornaments, a great or a small number of persons, are circumstances which often depend on the taste and feelings of the survivors; though a coffin, black dresses, a hearse, horses, &c. are considered as general appendages of a funeral: might not changes, therefore, be made in the *modes* of burying the dead, and yet those *modes* subjected, as they now are, to certain rules? Might not general regulations take place, and particular deviations be, as they are at present, regulated according to the judgment of those who conduct them, or even the wish of the deceased?

It does not appear, on the principles which have been laid down, that by decreasing the

gloom attached to burials, the people would be less impressed with a sense of their precarious state in this world, or less powerfully urged to prepare themselves for another.

Appropriate discourses on the vanity and uncertainty of human life; the probable happiness of the departed soul, if signalized by peculiar virtues; the mercy of the Supreme Being, if tainted by extraordinary vices; and other moral topics, might still accompany the consignment of the body to the earth, and types of mortality, immortality, power, &c. might be introduced in such a manner as to impress the people with awful and salutary truths; but those appearances which terrify the imagination, and seldom make any durable or salutary impressions on the mind, might, perhaps, with propriety be avoided.

With respect to *places of interment*, it appears that vaults under churches are liable to objections, not only on account of their being unwholesome, but also because churches, or religious buildings of any kind, are places consecrated to the Supreme Being, whose praises are cheerfully celebrated by beings endued with life. Dead bodies ought not to be deposited in them; the burial of those ought, perhaps, to be a ceremony very distinct from any *other* religious

ceremony, and performed in places peculiarly adapted to the purpose.

The veneration which was evinced in ancient times to those receptacles of the dead, is well known. The Jews respected tombs; among the Egyptians they were often kept with great care; and the Persians sometimes appointed their Magi to guard them. The Romans punished severely any person who defaced a tomb. The Turks revered even the tombs of their enemies; and other countries, in different parts of the world, have shewn the same degree of respect for the bones of their fellow-creatures, and the earth which surrounded them. Levity with regard to those last repositories of mortality, where human frailties are for ever buried, has been considered as reprehensible as contempt for, or neglect of, the aged; and some nations have looked upon both with equal abhorrence.

Stone vaults, properly situated, for families of opulence and their domestics; large, airy, paved or walled pieces of ground, with proper intervals between the bodies, for those among the middling and poorer classes, who might be unable to build private vaults, and no burials in any city or town, may perhaps be mentioned as proper regulations, in order to prevent many evils which attend interments: a good government would

not grudge any *additional trouble* which might attend funerals thus conducted, because the ends in view, viz. the morals and the health of the people, are obviously of the greatest importance; more minute regulations might, of course, be made, and adapted to circumstances.

CHAP. XXXVII.

OF PUBLIC FESTIVALS AND GAMES.

THIS chapter will consist rather of queries than assertions; for, though it appears that festivals were formerly instituted in order to promote *piety*, and public games in order to excite a noble kind of emulation among young persons, yet it may certainly be questioned, whether the senses were not more likely to be enslaved by the various brilliant objects presented to the eyes on those occasions, than the mind to be edified by considering abstractedly the *original* intent of such spectacles? It may be asked, whether bad and malignant passions did not frequently mingle themselves with sentiments of *piety* and harmless rivalry? and whether those festivals and games did not, upon the whole, encourage young persons to lay too great a stress on *outward shew* and on *bodily* qualities? In answer to the above questions, it may be observed, that the diversions which have been *substituted* for those modes devised by the ancients, of blending together in-

struction and amusement, are perhaps more likely to produce the effects which have been mentioned than festivals and games; supposing them to be properly regulated, and the original end of their institution not forgotten; to shew our gratitude to the Creator for the various gifts of nature, to commemorate the virtues and exploits of our fellow-creatures, and to impress on our minds the necessity and excellence of those qualities which we admire, are surely attempts worthy of beings endued with reason and aspiring to immortality; and they can hardly be supposed to be attended with evil effects. Every institution may be perverted, and its intent forgotten; but it appears that an institution having the evident objects in view which have been enumerated, must be far more salutary than one to which the mere purpose of passing time gives rise: the latter may be *inoffensive*; but the former is *rational*, and is rendered more or less beneficial in proportion to the judgment and wisdom of those concerned in it.

Suppose, for instance, it were judged expedient to begin the year at the first germination* of

* The period of this germination of course differs in various countries, and even sometimes in the same country; but in the former case this supposed festival might be celebrated accordingly; and in the latter case it might be hastened or postponed *ad libitum*.

nature (which is a sublime type of the vivifying spirit of the Supreme Being), and to institute an appropriate vernal festival, simple and gay, which might revive in the minds of young persons all the purposes of agriculture and rural amusements; suppose that summer, autumnal, and winter festivals* were to follow each other, having all their respective characteristics? The summer one to celebrate the state of vegetation, and the beauties of nature peculiar to that season; the autumnal one to rejoice on gathering in the fruits of the fields, &c.; and the winter one grate and solemn, in honour of the arts and sciences, *generally speaking*, and to commemorate the talents of those who have contributed to the improvement and happiness of human society. Would not such festivals increase the ardour of young persons in the pursuit of knowledge; would they not tend to better and exalt their minds? and would the *symbolical* images, though brilliant, produce any other than the most virtuous and amiable emotions? If *innocent sports* were mingled with them, could they be deemed reprehensible? and if we pervert the means of happiness which Providence has placed within

* Those festivals might last successively during a certain period, or they might be reviewed at stated intervals during the months of the seasons.

our reach, and make them instrumental to *misery*, are we not alone to blame? Experience has proved, that those means will ever be sought, in some way or other; therefore it is of course to be desired, that they should be obtained in the manner which can be best reconciled with the peculiar privileges which we possess over all other beings on earth: those *amusements* which can *best* bear this retrospection* ought, perhaps, to be the most countenanced: and it seems that festivals in which the various powers and operations of the universe are typified, heroic actions brought to our recollection, the arts and sciences encouraged, virtue of every description fostered and celebrated, and exercises which exalt the mind and strengthen the body introduced, are more likely to be accompanied with the advantages just mentioned, than the amusements which have in many European nations been substituted for them.

* In this retrospection we cannot, perhaps, under *any* circumstances, expect to see an exemption from error, folly, or even vice; human *things*, and human *beings*, are so constituted (from causes which seem to elude our scrutiny), that *evils must exist in some form or other*; but those which are the least repugnant to reason, nature, and common sense, are perhaps the least to be dreaded.

CHAP. XXXVIII.

OF DRESS.

DRESS being certainly connected with our ideas of offices and situations, may, perhaps, without impropriety, be considered as a *minor institution* in society; and as such, deserving of being noticed in an Essay of this kind; but a minute, elaborate inquiry concerning the various modes of ornamenting the human frame, which have been adopted by different nations, in successive ages, would be absurd, with reference to the general tenor of the work. Such a speculation might more pleasantly be pursued, by opening any book which professes merely to discuss the fashions, both ancient and modern, of head-dresses, drapery, &c. It would here only divert the mind from the arguments which have before been employed; a few remarks, however, concerning dress, will perhaps tend to *elucidate* those arguments, and to establish the principles which have been throughout laid down.

That every institution in a state ought to be

rendered as agreeable, and at the same time as *rational* as possible, is an assertion which appears to be founded on just grounds. In some former chapters, the nature and intent of society, public schools, charities, houses of entertainment, funerals, and general regulations of a more trifling kind, have been briefly discussed. It will appear, on reflection, that dress has a reference to all those topics, consequently it becomes a matter of some importance to the politician and the philosopher. In truth, as long as human weaknesses and imperfections render it impossible for all mankind to judge of things *merely* and *purely* in an *abstract* manner, it will be found expedient, at least, so to ally *objects of sense* with mere *intellectual* ones, that folly and ignorance may as little as possible predominate. Dress is, perhaps, abstractedly considered, a very frivolous theme; yet, when we reason on it as connected with the various important relations that exist among human beings, it loses much of its insignificance; nay, assumes a degree of artificial consequence, and becomes, like the *furniture of a house*, a subject of discourse even among the wise; the most elegant and classical names have been applied to, and every department in the government has been more or less connected with it. Dress has even been often blended with religion and morality;

some nations have deemed the omission of any part of the *dress* usually worn by them, as a kind of impiety deserving of punishment; others have given a mystical meaning to the colour and materials of their garments; even in modern times, it is not unusual to wear *symbolical* proofs of our remembrance of a great event, or our esteem for a hero; a riband, or a flower, sometimes give rise to more veneration even among the most ignorant, than diamonds or gold. The *forms* of dresses, also, have been adapted to the different states of a government, and to the public events which occur; to those may chiefly be attributed the great *changes* in dress, which have taken place in different ages. But if political causes have had so remarkable an influence on a hat or a garment, it is evident that dress must reciprocally have some effect on the customs and manners of nations; consequently it ought, perhaps, to a certain degree, to be *regulated*; I say to a *certain degree*; for as the power of clothing ourselves in the manner most agreeable, appears to be intimately blended with the notion of *liberty*, so any *harsh control* relative to it, would of course invade our personal freedom, and ought not, therefore, to be exercised. We have a *right* to wear ornaments for private satisfaction, or to reject them on religious or philosophical grounds; we

may also adopt that kind of clothing which appears to us most convenient and agreeable; and we may *change and vary* it as often as we please: yet, though all those privileges are *intrinsic*, that is to say, literally existing in every human being, whether born in a civilized or in an uncivilized state, the *relative* situations in which the thousands, or millions, who compose a state are placed, perhaps render a *mutual agreement* with respect to dress, *desirable*, though deviations from the common standard might be allowed without reproach or ill-will.

Dress, like other appendages of society, ought to be adapted to circumstances, and to the situations in which we may be placed; it might also occasionally be made *symbolical*, and thus rendered subservient to some abstract purpose; for in decorating the body, the intellect would be improved, by considering the connection between any particular plant or flower and some quality in nature. This system might, perhaps, have a salutary effect on the minds of children, or very young persons, and tend to check those sensations of vanity and self-complacency which are apt to arise, on beholding themselves objects of admiration, merely on account of elegant and rich attire.

CHAP. XXXIX.

OF TITLES.

After the conquest of a country, the territory is often preserved with difficulty, and in the midst of perpetual contests. *The possession of the soil* is considered as the chief political object, and great rewards are held out to valour and military virtue. Those who signalize themselves, by warlike exploits, receive lands, accompanied by titles of honour, from their generals or sovereigns, as compensations for their services, and they are expected in return to provide every thing necessary for the protection of the state. This appears to be the origin of titles of nobility, and of the estates attached to them.

In modern times, large fortunes obtained by industry, the death of relations, &c. have sometimes been accompanied by titles, granted by the sovereign of a country, which have descended from generation to generation.

The titles bestowed on magistrates and men holding high offices in the state, appear to have

differed from those of the nobles in this particular, that the latter were supposed to derive them from services already done to their country; they were bestowed on the former in order to give a greater degree of consequence to the services *to be performed*.

The propriety of any appellation added to, or substituted for, the *paternal, family, or casual* name of a person, has been doubted, except indeed the office, or the real consequence of an individual in the state, be implied. Some epithet, however, has in most countries been affixed, or subjoined to any name denoting dignity or power.

Hereditary titles have been supposed by some to excite a kind of emulation in children, conducive to future virtuous actions; but others have contended that the hope of gaining approbation, and even outward marks of respect, by merit alone, is more likely to give rise to laudable sentiments, and heroic deeds.

It has been a custom as ancient as the establishment of nations, to evince respect towards those vested with legal authority, and even to honour them with some outward marks of distinction. From the phrase, "Render unto Cæsar* the things that are Cæsar's;" it appears that Chris-

* Tiberius.

tians, as well as pagans, were enjoined this kind of obedience; but it is evident, from the sequel of the admonition abovementioned, that the submission enforced was not to interfere with their duty towards the Supreme Being. The injunction seems merely to have implied that Cæsar, in his capacity of chief magistrate, was entitled to the submission of the people.

The appellations of magistrates, from the *chief* one, who has often been denominated Emperor, King, &c. to the most humble one in the state, ought to express the *real nature* of the authority held; and titles which have not this intent may be considered as unnecessary; for instance, the primary and intrinsic meaning of the titles of Prince, Duke, &c. are well known, nor can we add to, or take away from their *literal sense*, by any word or words affixed to them in a super-scription.

A clergyman is styled reverend (or deserving of reverence), and the idea of his situation and office immediately occurs to us.

It is well known that the word bishop is derived from a Greek word signifying an inspector: a bishop is addressed "The reverend (or less properly, the right reverend) Father in God," with reference *merely* to *spiritual* concerns, over which he is supposed to preside; in the same

manner as a civil magistrate has been justly denominated father of the people; *i. e.* guardian of their civil rights.

It is evident that the above epithets have all intrinsic meanings; the full force of each word is contained in itself.

The origin* of the word esquire is not so satisfactory, yet as it is applied to men, who are supposed to bear arms of a particular kind in defence of their country, and are consequently in reality military men, it has a meaning:† though

* As the origin of this word may not be known to *all* my readers, I shall take the liberty to mention it.

In the year 1159, Henry II., in order to raise money for an expedition, instituted a new mode of taxation, called *escuage* *scutagium*, or the service of the shield; those who carried the shields and swords were, in the following manner, honoured with the title of esquire: they knelt down, and having had a collar of escalop shells put round their necks, the King said to each, "Arise, Sir Esquire, and God make thee a good man."

† Notwithstanding this *meaning* of the word, however, we are involved in some difficulties; for if we were to say, that esquires are men of liberal education, but not bred to any trade, we must exclude merchants, however opulent, of every description, from the title; or if we were to say that landed property alone gives a claim, men of small fortunes, who have *no landed property*, though *not* bred to any trade, must renounce their right. If courage and virtue alone were to give a claim, then cowards and contemptible men must be excluded; if the mere appearance of opulence were alone considered, then men of reduced fortunes must give up their claim. I am now con-

we may remark, that when men (even sovereigns) are extolled in the most *public* manner, all appendages to their names are generally omitted.*

We are often under the necessity of applying *human attributes or qualities, in their most extended sense*, to the *Supreme Being*; and we also give titles and appellations to *human beings, in a limited sense*, which are bestowed on the Deity; for instance, the word *father* is equally applied

considering the subject in an *abstract point of view*. The question to which we are at length driven is, whether the mere term gives real consequence, as a man's situation, fortune, talents, &c. are generally known? Boys of independent fortunes might, it is true, at a certain age, receive *arms of a particular kind*, and promise to use them, if necessary, in defence of the commonwealth; on this occasion they might take the title of esquire. Without some ceremony of this kind, the title must, in reality, and, in *an abstract point of view*, be vague, though custom might bestow it on some, and deny it to others.

* We say a Frederic of Prussia (the name and the country), a Charles XII. (the name and the number in the succession). This rule holds good in a still more general sense, with respect to mere commanders of armies, and eminent men of all descriptions. It is illustrated every day by experience. The simple article *a* is sufficient to give a full and comprehensive idea of only one individual among thousands of the same name. This was peculiarly the case with Mr. Pitt and Mr. Fox.

Even any apparent absurdity which seems to be attached to the *sound* of a name, is taken away, by the idea which is immediately, on mentioning the name, formed of the *individual* in question.

to the Almighty, as protector of all the inhabitants of the universe; and to any father of a family; the epithets of Governor, Ruler, Judge, and King,* are equally applied to God and to men, in their respective senses; yet notwithstanding *the necessity we are under*, on certain occasions, of adopting this kind of language, it is expedient to avoid, *as much as possible*, giving *titles and appellations* to human beings, which seem *peculiarly appropriated* to the Deity.†

As *superscriptions* are intended to denote the real rank and consequence of the individuals who are addressed, so it appears that the words which conclude letters, &c. and immediately precede the signature, are designed to express the real relation in which the persons who write may stand, with respect to the persons who are addressed;

* All those epithets have, of course, introduced a kind of language into theological writings, which appears ill adapted to a Being purely spiritual, because human faculties, and even human senses, are implied, and the words, *he, his, him, &c.* perpetually used. We may find those expressions even in authors whose general style and sentiments are the least liable to exceptions.

It is necessary, however, to observe, that in Hebrew, those phrases which are apparently the most *gross*, admit of a spiritual interpretation.

† The highest degree of temporal power may be ascribed to mortals, without derogating from the power of the Supreme Being.

therefore false and needless expressions are as much to be avoided in this, as in the former case; and, perhaps, it would be more rational to imitate the ancients, and particularly the Romans, who generally concluded their letters merely by a sentiment appropriated to the occasion, or by a *vale*,* than to fill the space of several lines with professions, which are often as contrary to reason as to truth: for instance, it appears absurd to subscribe one's self the "*humble servant*," of a person for whom we feel the greatest degree of contempt; or the "*obedient humble servant*" of one whose commands, even in the most trifling matters, we are not inclined to obey; still more absurd is it to profess one's self to be the "*most devoted and most obedient humble servant*" of a person for whom we would not put ourselves to the slightest inconvenience, and whose wishes, if expressed, would scarcely be attended to; and yet this kind of insincerity, it must be admitted, has been prevalent even among those, who would be very sorry that their good sense or veracity should be doubted, and who have had no other reason for their professions, than that they were sanctioned by *custom*. But if mere professions of *humility* and *obedience*, when not really meant, appear to be reprehensible, in how much greater a

* Or a word equivalent in meaning to *vale*.

degree must we reprobate those professions which seem to imply *affection, sincerity*, and every sentiment but that which perhaps in reality exists, *i.e.* indifference. The phrases "yours sincerely," "yours truly," "your most *sincere* and *devoted* friend," "yours affectionately," "your affectionate friend," &c. unless applied to those to whom in reality we stand in those relations, are surely replete with falsehood of a very serious kind : and yet have they not often been hastily used, with respect to persons for whom, perhaps, the writer would, on the slightest change of humour, feel, *at least*, indifference, if not a worse sentiment ; because the sensations which gave rise to them were not founded on any other principle than *momentary impulse*, or, in some cases, even on a wish to flatter, in order to gain some selfish end. Might not the *subscriptions of letters*, therefore, either be regulated by the feelings of the writer, or be wholly omitted ? Perhaps subscriptions *in themselves* may, generally speaking, be considered as useless ; for we address others for the following purposes ; to ask services of them ; to offer services to them ; to assure of our sentiments, of what kind soever ; for the purpose of explaining any particular business mentioned to us previously, or suggested by ourselves ; to congratulate ; to advise ; to condole with ; to expa-

tiate on, or give an opinion, concerning any subject, scientific, or of another nature ; to describe, or relate any thing ; to reproach, or accuse, &c. Now, all the objects above adverted to, with others which might be added to them, may certainly be fully answered without the concomitants before-mentioned, which may, generally speaking, be considered either as unnecessary or as insincere ; for either we know, or we do *not* know, the person whom we address ; in the former case, our relative situation is sufficient ; in the latter, we affirm what we must often be conscious is false.

I have thus considered titles in four points of view : first, in themselves ; secondly, with respect to the nobility ; thirdly, with reference to magistrates, and men in high offices ; and fourthly, as applied to the superscriptions and subscriptions of letters, addresses, &c. They may, however, be reduced under two heads ; first, titles, properly so called ; and secondly, names or appellations. It appears that the origin of both is very simple, some office or situation having given rise to them.

C H A P. XL.

OF WAR.

It is, I believe, generally allowed, *that frequent wars impoverish a country, and vitiate its inhabitants.*

This principle is scarcely liable to any exception; for though it may sometimes happen that a nation, after a succession of wars, will, by a fortunate concurrence of circumstances, enjoy a great degree of opulence, increase rapidly in population, and even be characterized by qualities which appear novel to it, yet the evils attached to warfare must, in a greater or less degree, have been *previously* incurred.

The loss of soldiers in the British armies, in some campaigns, appears, from high authority, to have amounted to about one out of seventeen, besides those who died in battle and of their wounds; but the proportion of deaths among seamen, is far greater. *The loss of lives*, however, is not alone to be considered: the distress, and even ruin of many families, who are deprived

of their chief supports, enormous taxes, popular discontent, and consequent crimes, are among the heavy evils which, in every country, attend *frequent wars*. It therefore behoves every wise politician to consider, first, whether the *objects* of foreign conquest be in themselves worthy of so many important sacrifices? secondly, whether the benefits expected from them be not precarious? and, thirdly, whether, if secured, they would make amends for the vast expenditure of blood and treasure which might attend the acquisition?

The wars in which Britain has been engaged during the last century, are well known to the public;* and from the general disapprobation to which many of them have given rise, it is evident that the objects for which they were commenced, cannot bear a retrospect.

It rarely happens, that the mere accession of territory can be considered as an object of sufficient importance to justify, even in a political sense, the measures taken to obtain it; but it is still more rare, when the motives for invading the possessions of others do not militate against the principles of reason and humanity.

* Mr. Pitt was dismissed from his office in the reign of George II. merely for declaring the enormous expenses which had attended the three last wars with France.

When Rome increased her territory to so great a degree, that the senate could no longer exercise its authority, those who governed the provinces were sometimes greater adversaries to the state than foreign enemies.

Nearly the same argument may be applied to colonies; the inconveniences of which, except in their infancy, have often been discussed. They have been considered to be not only expensive, but detrimental, because the mother-country is enriched only during a certain period, by the workmen, articles and tools of trade, which are sent out; and the military forces supplied by the government, sometimes become enemies; particularly if the freedom of the inhabitants be menaced by any oppressive measures.* It may, however, be observed, that the insurrections which take place in colonies are generally, for obvious reasons, produced rather by the disaffection of individuals, who have voluntarily emigrated from the mother-country, than from the rebellious disposition of those persons, or their descendants, who have been immediately placed there by the government.

* These are obvious truths; yet we must admit, that except in cases of injustice and oppression, colonies owe, on a principle of gratitude, some obedience to the mother-country. Many of the most celebrated ancient states were only colonies.

Having endeavoured briefly to prove, *that the mere accession of territory* can seldom be deemed an object of sufficient importance to justify invasion, I will now further venture to maintain, *that the mere plea of increasing wealth* cannot be considered as a sufficient one for invasion; because it is a matter of doubt, whether the very extended commerce which may result from a variety of foreign conquests, be in all respects advantageous to a people? Much may perhaps be said on both sides of the question; but the inquiries connected with such an investigation, are too complicated to be here introduced.

With respect to internal troops, it is certain that some flourishing ancient nations encouraged them, but the men employed mingled other employments with martial ones: this was the case even with the Prætorian bands, placed by Augustus on the confines of the empire.

The two following rules have been recommended by some able political writers: first, to avoid appointing men of the same district, or part of the country, to command each other; and secondly, to change the commander often. These appear to be sound rules, in order to prevent unfair influence; nevertheless, even in free states, there must be exceptions to them; for if

the attachment of the soldiers be really founded on the merit and talents of the commander, a removal might, by breaking and altering the discipline, be productive of very disagreeable consequences: more mischief may, therefore, sometimes ensue by changing, than by the apparently dangerous influence of a commander; but in those particular cases, the existence both of *merit* and *talents*, and in an unusual degree, must be supposed.

It is certainly possible, though, I admit, difficult, for a commander thus signalized, and who is also conscious of deserving the esteem, not only of those whom he commands, but of the nation at large, to avoid the extremes of disaffection and servility, *i. e.* to avoid influencing the soldiers in a manner which tends merely to his own aggrandizement, or to the subversion of the commonwealth, or surrendering up, in order to gratify tyranny and caprice, that power which he possesses in consequence of his virtue and ability. The perfection of a military character, however, lies in the medium.

C H A P. XLI.

OF TAXATION.

TAXATION,* like every other civil institution, is the offspring of *necessity*: the wealth of a country is divided among a number of individuals; each individual possesses a certain portion, out of which he makes a *voluntary* cession to the state for its maintenance: this appears to be the primary principle on which taxation is founded; it is therefore evident, that in order to render it legal, and not oppressive, the grants made by individuals out of their property, must be *voluntary*, and seen to be *necessary*; for if possessions be seized upon, it matters not on what plea, without the will of the possessor, it is *usurpa-*

* It was frequently the custom in former times to appropriate all spoils, and tributes exacted from enemies, to the chief or sovereign of the country. This was a *substitute* for taxation.

Taxes in the form of corn, horses, &c. were also paid, and even taxes in money seem to have existed at an early period. The Athenians, among other ancient nations, submitted to them.

tion : if goods be sold at reduced prices, either for the benefit of the poor, or on speculation, the owner, of course, surrenders up *voluntarily* a part of his profits ; and the persons enriched by him are not invaders of his property ; but if he be *ordered* to sell those goods at reduced prices, for reasons with which he is wholly unacquainted, his rights are encroached on, and though *plausible* arguments might be employed to enforce the *propriety* of, he might *legally reject* the measure proposed. So, if a large portion of his revenue be taken from him, in order either to defray expences of which he knows nothing, or for unjust purposes, he may legally *question* the propriety of such a proceeding ; but in so doing, he may not be a foe to the government ; on the contrary, his recollection of the compact between the government and himself may be the immediate cause of his resistance.*

It is very difficult to ascertain the kind of tax which is least felt by the poorer, and least irksome to the richer members of the community.

A *tax on property* in the public funds, appears to be an equitable one, because it is literally proportioned to the actual sums there de-

* This was perhaps the case with Hampden and other English patriots.

posited, without being attended with any oppressive proceedings or disagreeable details. But in this case, might not those who have lands, and merchandize in different places, contrive to draw large profits, and pay little to the state, while a small annual income might be heavily taxed?

Taxes on consumption, particularly if raised in proportion to the consumption, seem to be equitable, because nothing but what is literally consumed or used, can be taxed, and opulent establishments must be principally affected by them: but even in this case, it is evident that an industrious man with a small fortune and a large family, might feel the burden of taxation more than a man with a large fortune and no family, who lives in a parsimonious style:

Taxes on merchants for commodities, may perhaps be liable to still greater objections, on account of accidents, variations in the price of goods, &c.

If every actual possession of wealth, and every increase of wealth, of what kind soever, were sworn to, then the liberty of the subject would perhaps be endangered; because his free will, with respect to the disposition of his property, would be infringed on.

Conscious that all those and similar questions

are connected with inquiries which cannot properly be introduced into this Essay, I shall merely venture to lay down a few general rules with respect to taxation.

First. Taxes ought not to fall on the mere necessities of life. Secondly, The money paid, ought to be in proportion to the real possessions of each individual. Thirdly, Taxes on the *consumption of luxuries* are equitable. Fourthly, In proportion to the money paid in taxes, the comforts of the people ought to increase, otherwise what is denominated taxation, is little better than fraud or usurpation.

If it is necessary that taxes should *in themselves* be just, it is also not less important that the manner of applying for them should perfectly accord with those principles of urbanity on which all civil institutions are founded.

Among the oppressive modes of collecting taxes, the forcing individuals to submit their private concerns to the scrutiny of utter strangers, and to declare *on pain of fine or imprisonment*, all the means by which they keep up their establishments, &c. may be mentioned as the most liable to objections. It is perhaps, in some cases, one of the greatest violations of justice and humanity that can be devised; for a man or woman may, through honest channels, and by industry, accumulate wealth, and yet, though the means

they employ might be known to a few, and perhaps be publicly divulged without any real injury to them, their feelings would be much shocked by giving details to a stranger. A reduced female, for instance, once opulent, who keeps a decent establishment, and supports herself and her family by the labour of her hands, must experience very unpleasant sensations when called upon by a stranger, who may, or may not, accompany his application with civility, to state in what manner she maintains herself, and those most dear to her : a man also, who is suddenly involved in pecuniary difficulties, by some unforeseen event, which is not, nor need not be, known to the public, may, by the assistance of his friends, and personal exertions, be enabled, in a very short time, to recover his property : is it not unnecessary to make this calamity known, by a legal form, to a person vested with authority to make inquiries, and who may or may not be susceptible of proper feelings for his fellow-creatures ? Even in trade, which is considered as a public concern, such details would often be painful, and might perhaps be dispensed with, but in private life they appear to be peculiarly oppressive.*

* It is well known that a tax called the Poll-tax, (which exacted the payment of one shilling per head, upon every person

The object of taxation is to collect money for the purposes of government ; those purposes must be acknowledged to be fair and necessary : a deviation from the immediate ends of taxation is highly to be dreaded by all virtuous statesmen. Government itself is, perhaps, strictly speaking and in a moral and religious sense, an *evil* ;* all modes of supporting it may, in the sense alluded to, be also considered as evils, among which taxation may be mentioned as the chief : the burdens, therefore, imposed on individuals in consequence of it, ought to be, as much as possible, alleviated ; and all troublesome and vexatious proceedings connected with it, obviated : in short, no invasion on the rights of individuals can legally be suffered by *any* government ; for *all* governments professedly receive contributions for the purpose of *supporting those rights* : op-

in the country above the age of fifteen) gave rise to an insurrection, in the reign of Richard II. It was one of the rules attending this tax, that no person could be charged more than twenty shillings, however numerous his family might be ; so that the burden lay entirely on the poor ; and it was, of course, much more heavy at the period alluded to, because the price of labour was less than it is at present.

* It is impossible for any person who gives credit to the Bible to think otherwise ; but even in a mere general and philosophical point of view, the opinion may perhaps with propriety be supported.

pression certainly appears in its most odious form, when blended with the means of raising supplies for public purposes ; it perhaps renders those means *illegal*.

CHAP. XLII.

OF MILITARY AND NAVAL HONOURS.

THOSE surely deserve the consideration of their country who have endeavoured to protect her soil, and to maintain her glory on the ocean; who have renounced their homes, their friends, and all that was dear to them, in order to endure the hardships of foreign campaigns, or to brave the dangers of unknown seas. The same generous hand that presented the laurel to the youthful hero, ought to load the retreating veteran with honours; the same policy that encouraged valour, ought also to protect infirmity; the same patriotic sentiments which induced a government to reward merit on the field, ought to induce it to make a provision for those who are prevented, by age and weakness, from exerting themselves any longer in its defence; at least, they should be shielded from contumely and contempt, that they might not curse the hour when they devoted themselves to their country.

It is a well established fact, that men, who, during a long course of years, have followed the profession of arms, or been engaged in employments at sea, are often unfit for situations, which, under other circumstances, might be allotted to them. This incapacity appears to have generally proceeded from the two following causes: first, from their having been trained *at a very early age*, to military or naval occupations; and, secondly, from their having followed *only* those occupations: the propriety, therefore, of mingling martial employments with those of citizens, or rather of rendering the former in a great degree subordinate to the latter, must be obvious: some ancient nations, though warlike, experienced the salutary effects of this mode of education.

The situation of deserving officers, in cases of poverty, has sometimes been deplorable: after having held honourable posts, and signalized themselves by their conduct and virtue, they have perhaps been reduced to the alternative of either seeking support abroad, or submitting to the most menial offices at home; their children, also, deprived of the advantages of education, have been obliged to work for a livelihood, or to obtain subsistence by dishonourable means.

If those unfortunate men had an opportunity of returning to their former profession, they

were perhaps compelled to live under the control of unqualified men, or men of the most contemptible talents.

The evils abovementioned appear to have owed their origin chiefly to *a bad system of education*; yet they are also derived from *some defects in military regulations* which seem to have existed in a greater or less degree, even from the earliest ages. This is proved by the complaints of neglected commanders in some celebrated ancient countries: philanthropists in public life have, it is true, at various periods, restored meritorious officers to their rights, and precluded, at least for a certain time, the inconveniences to which I have alluded, but the rewards of merit have seldom been sufficiently liberal and impartial to excite universal sensations of gratitude in the breasts of the old, or to diffuse a general spirit of virtue among the young.

CHAP. XLIII.

OF DISAFFECTION.

(*Its primary cause a sense of injustice.*)

IF there be any incentive sufficiently powerful to make an honest man deviate from the path of rectitude, it is a *sense of INJUSTICE*, which will be strong, in proportion to the consciousness of well doing: let us suppose, for instance, a man zealously employed in the service of his country; he does not suspect, and indeed would scorn to indulge the suspicion, that his actions will be attributed to ignoble motives, and his exertions treated with contempt: but fame, or pecuniary reward,* are not the only objects he has in view; he chiefly labours for what is, in his estimation, of more value than either, viz. the approbation of his fellow-citizens; yet he fails in his purpose; he is robbed of the merit of his services, and the

* In some cases pecuniary reward may be wholly out of the question: services not *acknowledged* may be a ground for disaffection, as well as services not *rewarded*.

honour of his character ; the consciousness of his integrity, however, supports him ; he flatters himself that some circumstances misunderstood may have occasioned his disgrace ; he therefore represents his case, and requests that justice may be done to him : his application is either disregarded, or he is promised redress : in the former case, he *hopes* that time may effect something in his favour ; in the latter case, he feels a *certainly* that it will : time, however, elapses, during which he punctually fulfils the arduous duties of a situation, rendered perhaps wretched by poverty, ill health, and unmerited censure : nevertheless, the stamp of virtue continues indelible on his soul ; the presence of a beloved family, or friends, for whose happiness, and perhaps subsistence, he is daily obliged to toil, may sometimes draw a tear from his eye ; but it is soon dried by *HOPE*, which teaches him to look forward to better days. Time, however, still elapses,—he begins to despair—yet the principles of an honest man, and the respect due to society, continue to restrain him from shewing any public marks of discontent or anger. He cannot venerate his oppressors, but he venerates *himself*—he venerates *those sacred obligations by which he has bound himself to his country* ; he is cautious of disturbing its peace, and contents himself with commenting on human imperfec-

tion, the unequal distribution of good and evil in this life, and the power of conscious rectitude to support the mind under adversity ; for a certain period these considerations keep him in a state of submission ; but a *sense of injustice* at length overpowers every other principle, and urges him to more violent measures than he has hitherto taken ; these are sufficient to brand him with the name of a *disaffected man* : he becomes an object of suspicion to the government more than ever ; his claims are disregarded ; he is exasperated ; formerly he petitioned for, he now *insists* on, redress ; sympathy attracts some of his fellow-citizens towards him ; they compare situations, and find that they have all equal causes for dissatisfaction : they unite in bonds of amity, but private grievances soon cease to be the plea of discontent ; a *depraved system of government* is taken up ; various classes of individuals, some from bad, and some from good motives, join the party which becomes formidable to the state ; yet, the very person, who is perhaps one of its chief supporters, was once obedient to the laws : gradual were the stages from allegiance to rebellion ! and the *last stage* was the consequence of *A SENSE OF INJUSTICE operating powerfully on his mind, and kindled into resentment* ; so that, in fact, disaffection is founded on

the same principle as that which urges an individual to make an appeal to the government. It is obvious that, by disregarding such an appeal, a virtuous man may sometimes be punished for misdemeanors, of which he would not have been guilty, had he received encouragement to remain a faithful subject to the government under which he lives.

By disregarding *individual* oppression it may be made *general*: The man who in a jail submits to be deprived of his allowance, either because he has sufficient strength and stoicism to bear hunger, or because he supposes that religion enjoins him to endure calamity without murmuring, is guilty of injustice towards those who may be placed in similar circumstances; by parity of reasoning, the man who, when deprived of the merit of his public services, does not solicit for redress, injures his fellow-citizens: but it is evident that, in *appealing to the government*, he is not influenced by a spirit of disaffection; this is, as I have endeavoured to prove, produced very gradually, and is the mere consequence of A SENSE OF INJUSTICE.

Individuals, like nations, very willingly submit to a mild jurisdiction, which softens as much as a tyrannic control hardens; and it often happens, that those who are most inclined to be

faithful under the former, are most apt to oppose the latter: human beings are in general more prone to enjoy, than to interrupt the enjoyments of others, and are submissive to a degree, amounting almost to servility, till they are oppressed,* in which case it sometimes happens, that those men who have been the most passive, become the most ferocious; in other words, their animosity is in proportion to their wrongs: this has been recently made evident to the public by the conduct of some of the Africans, who had long groaned under the miseries of slavery, poverty, and ignorance: the retaliations of those oppressed beings fill us with surprise and horror! but the cause of them is simple; a rebellious spirit is not natural to man: shepherds existed before warriors; the ideas of invasion and defence give rise to the latter: the most savage tribes are those which have been most molested by enemies, either foreign or na-

* They will even sometimes bear *a great degree* of oppression; but the punishment of their oppressors, or their descendants, will often be in proportion to the injuries they have sustained: this is a mysterious, but a fact known to many, and proved by examples in history, of a most extraordinary kind. It appears to be founded on the same principle as the following one, that the *descendants* are often employed, seemingly by a supernatural power, to discover and avenge the murder of a person.

tional; hence it is evident, that the mere natural desire *to protect property or to secure rights*, are the causes of a ferocious disposition among savages, as they are of disaffection among civilized beings; in other words, A SENSE OF INJUSTICE often produces that spirit of resistance among the people, which has always been so much dreaded by sovereigns and rulers of nations.

I may be allowed, I trust, to extend this argument, and to affirm that, as A SENSE OF INJUSTICE seems to be the primary cause of disaffection, so A DISREGARD OF VIRTUE may perhaps be considered, at least, as one of the *chief* causes of vice;* or (strictly speaking, and according to the principles laid down in Chapter XXIV.) of the manifestations of vice, and fostering of bad qualities.

Let us suppose a youth coming from the tender care of a parent, or the tuition of a mild preceptor, into the tumult of large, various, and corrupt societies; he at first expects† to find all those characteristics which he has been accustomed to revere under the paternal roof, and

* I now speak in common language, and also with reference to *secondary* causes, I have before implied that we cannot *absolutely* pronounce that a thing exists, unless it be evident to us, &c.

† This, however, depends on *the system of education which*

gives way to all the honest and benign effusions of his heart: but alas! he soon perceives that he excites the derision of some of his associates; and that principles, which he has been taught to cherish, and to consider as the necessary appendages of an honourable mind, are laughed at by them; for some time, however, he continues uncorrupted, and often retires to give way to the emotions of pity and regret; but at length the foundation of his rectitude begins to shake, and the force of *habit* becomes more powerful than the dictates of honesty: he is tempted to consider his former sentiments as chimerical, and thinks it more *easy* to swim down the current with others, than to resist the tide. At first, however, he treads *cautiously*, but finding that the new

has been adopted, and on *circumstances*. It is a question which has not yet, perhaps, been quite decided, whether young persons ought to imbibe heroic and romantic ideas of virtue, and to be kept as long as possible *ignorant* of the world? Or whether they ought early to be taught to adapt themselves to circumstances, and to the arbitrary customs of different societies?

My young hero, however, in order to give greater force to the arguments with which this chapter is closed, belongs to that class of pupils who have been educated merely with the knowledge of the principles of truth and reason, abstractedly considered. He is also supposed, for the sake of further illustration, to enter the world without the advice and protection of a parent or a preceptor.

ground supports him, as well as many of his companions, he becomes more assured. The blush of candour is supplanted by the glow of impudence, benevolence yields to self-interest, and base passions alternately become the pilots of his actions; a multitude of *artificial* principles find entrance into his mind; and, *perhaps*, after a succession of years, he becomes a villain in a political sense; he manifests every evil propensity, to the detriment and misery of others. —How gradual were the stages from rectitude to depravity! The first stage was produced by a disregard of virtue, and the last by the same cause, coupled with a notion of the *inutility* of virtue—and a hope of some advantages to be derived from vice; in the same manner as a sense of injustice in a disaffected man is allied to a notion of the *inutility* of allegiance; and the supposition of some benefits to be derived from disaffection. The same argument may be applied to the lower classes of society, who sometimes find that they gain more by being base and venal, than by being honourable and disinterested; but does it therefore follow that they are *naturally* base and venal? No—the transition from virtue to vice* was gradual, and would not probably

* Here my meaning must be evident from the preceding sentence. Vide also Chapter XIV. Of Bribery.

have taken place, had they received encouragement to be virtuous. Many individuals are for a length of time neither virtuous nor vicious; (at least not manifestly so;) their energies on the one side are not wholly *suppressed*, nor ~~are~~ those on the other strongly *excited*. *Time, habit, and association*, gradually change their *modes of conduct*. I shall close this chapter by the following question: Is it not incumbent on those in public stations to prevent their fellow-creatures from being driven, by A SENSE OF INJUSTICE, into a state of rebellion, or becoming vicious members of the commonwealth, from A SENSE OF THE INUTILITY OF VIRTUE?*

* I do not now speak abstractedly, and with reference to the *intrinsic* value of virtue, independent of all human rewards, but I speak in common language, applicable to all mankind; and I think I may safely venture to lay it down as a principle, that when there is little encouragement held out to great and good actions, both young persons and the lower classes will, *generally speaking*, be remiss in the performance of their duty; and this kind of negligence may lead to real and serious vices, even without the existence of depravity, except in a very slight degree.

CHAP. XLIV.

OF DUELLING.

It is much to be lamented that a term, which has perhaps been seldom either *perfectly understood* or *accurately defined*, in polished society, should have given rise to so many serious evils among mankind: I allude to the term *honour*. If a man wilfully give *his word of honour* to a falsehood, we have a *clear idea* that he is (in vulgar language, and this language is sometimes more forcible than any other) a liar;* and consequently *not honourable*; if he abuse a trust, we affirm that he is *not honourable*; if he defraud, or deprive another of his right, we still persist that he is *not honourable*.

In the above, and in many other instances, our ideas of *honour* are tolerably distinct, and may be applied to different states of society; but if a man be called *dishonourable*, merely be-

* This expression has, however, been used by some elegant writers, and no other can, perhaps, so well denote a man who violates his word, or utters gross falsehoods.

cause he will not fight his companion, who has thought proper to maintain by candle-light that a coat is blue, when* in his eyes it appears green (though it may be neither blue nor green), we must acknowledge that our ideas of *honour* become extremely confused.

The above is a *ludicrous* example of the folly of that destructive custom called duelling; but, in order to enforce my arguments, it is perhaps necessary to reason a little seriously: Every virtue and every vice, every good and every bad quality, may be defined with more or less accuracy: *honour*, considered in itself, therefore, and as a quality of the mind (which is one of its senses), is subjected to the same rule; and there are few, even among the most unlettered, who do not, when a man is called *dishonourable*, guess what is meant by the epithet: the ideas of falsehood, treachery, meanness, fraud, &c. arise in their minds; but if, when filled with indignation at the supposed miscreant, they were told that he was called *dishonourable*, merely because he had performed his duty towards his friends and

* Intoxication is here evidently implied, in order to render the instance adduced more striking: the accusation of *telling a lie*, though connected with so absurd a subject of dispute, might alone have given rise to a challenge, though the imputation of *involuntary falsehood* might be affixed to both parties.

fellow-citizens, by refusing to challenge a man who had wantonly insulted and ill used him, would they not immediately be struck with the injustice of the accusation? Would they not rather be inclined to call his antagonist *dishonourable*, and to give him credit for his wisdom and forbearance? Let us reverse the picture, and suppose that the injured man had, in the heat of his resentment, sent a challenge to his adversary. He was perhaps esteemed in private, and useful in public, life—greatly beloved by his family—dear to his country—yet he perhaps falls, for what he supposed was *a point of honour*. The happiness of his misguided companion is probably lost, at least with reference to this world;* his friends and relatives live only to mourn his loss; and many victims are thus made, merely in conse-

* It would be too harsh to say, that his happiness is, in all cases, lost, *absolutely and entirely*, with reference even to this world; for he might at first have been misled by a false principle; urged by passion, irritated by a depraved and crafty adviser, he might have mistaken the meaning of his antagonist's words and actions; very aggravating circumstances might to his mind have appeared to exist; in short, many considerations of this kind might, in the course of time, decrease the poignancy of his feelings; the custom of duelling, therefore, which *may*, on false principles of honour, deprive even the most meritorious man of happiness during his life, is most to be censured; amiable and worthy individuals have generally been the greatest victims to it.

quence of some unguarded words spoken by a choleric man. This picture is indeed melancholy; but is it too highly coloured? Nay, might not the suicide of an innocent woman, the mother perhaps of a large family, have been added to the fatal catastrophe?

It is perhaps almost impossible to express, in terms *too forcible*, the feelings to which the dreadful misfortunes connected with duelling, give rise! Every impartial mind must dwell on them with deep concern; and, after mature consideration, deprecate a custom which tends to produce so much *misery*.

In the first instance given, the individuals might *both* have been estimable; yet, for a mere chimera, the one might have been the murderer of the other, and afterwards fallen himself by his own hand, to the great grief of his surviving friends.

It would perhaps be desirable for a man, who is of a choleric disposition, to leave the room on the first word spoken which may tend to lead him into a *quarrel*, at a time when, being perhaps a little heated with wine and conversation, he might not be able to see the *grounds* of it; he must be *very much* intoxicated, if he has not this power over himself, particularly if he endeavour to acquire it by habit.

When a man is insulted, or wrongfully accused by a *friend*, he is indeed placed in a most difficult and painful situation ! but under such circumstances all intercourse ought to be suspended, till an explanation can take place. If the aggressor decline an explanation, the friendship must of course cease ; but is it necessary, even in this case, for either party to run the other through the body, or blow out his brains ?

If a *stranger* be in question, it would perhaps be better to expose him (provided he be not intoxicated to a great degree), before *other* men, for a coward or a fool, or at least to oblige him to prove that he is neither.*

An *enemy* might be dealt with in nearly the same manner, except that previous animosity being known to exist, *malicious motives*, instead of *cowardice* or *folly*, might be supposed, by impartial spectators ; and consequently the injured party would, or ought to find security for his honour, without *fighting* his antagonist.†

* I am here supposing wanton attacks on a man who does not previously give any provocation, *without any ground whatever for those attacks, but a wish to insult and annoy.*

† This is the point which appears to be of most importance, even under all circumstances ; for if the opponents be both estimable men, the quarrel may indeed be attended with lamentable consequences ; if one of them be worthy, and the

other despicable, it is absurd and unjust that the former should give the latter a chance of taking his life; he ought rather to apply for justice and redress to some tribunal bound to punish injuries and wrongs; if both be unworthy, surely it is desirable that murder should not be added to their crimes: were the custom of duelling, therefore, not prevalent, no false notions of guarding themselves from the accusation of *cowardice* would induce them to settle their dispute by a duel.

It is much to be lamented, that *speedy* and *impartial* arbitrations have not been substituted for the destructive custom of duelling: for suppose a virtuous man has the courage and the heroism to tell a coward, an oppressor, a liar, and a *villain in every form*, that he deserves those appellations, though perhaps secured from the just reproaches of the injured person, and screened from public abhorrence, ought not the friends and companions of that man—nay the world at large, to be ample securities against any attempt on his life?

CHAP. XLV.

OF CRIMES.

It may, perhaps, be said, *that if each individual has a fixed character which cannot be altered,* the greatest villains are not responsible for their crimes, since they originate in their nature, and they cannot help them.*

The principles which have been laid down throughout this Essay, will, I trust, after having been candidly, and impartially, investigated, be deemed a satisfactory answer to the above argument.

It is evident that there are *relative* duties imposed on individuals, as *moral agents* and *members of a commonwealth*, with reference to which, their peculiar propensities, even though inoffensive, cannot always be indulged. In how much greater a degree must those *restraining motives* operate, when the safety and the lives of their fellow-creatures are in question !

The general attribute of human beings is *reason* ; of which *judgment* is the chief con-

* Vide Chapter XXIV. Of Education.

stituent;* conduct ought to be adapted to circumstances; not in a vicious or a servile point of view, but according to the dictates of prudence and virtuous policy.

The doctrine of *fatality* has been supposed to destroy moral responsibility; and in its *literal* and *extended* sense, it certainly may have this effect; but the *manner* of acting, on particular occasions, or under circumstances which are unavoidable, cannot *always* be included in it; the *will* cannot *always* either obviate or produce events, but it may, generally speaking, influence their results. An extraordinary cause may, however, sometimes be supposed to exist, and to counteract, even in a limited sense, the effects of volition; in which case, as the *will* has then *no* power, the consequences of the events, and the agency of those connected with them, become as much under the influence of *fatality* as the events themselves, and moral responsibility of course ceases.

The following instances may, perhaps, tend to illustrate my argument.

Let us suppose a man struggling among the waves, and amidst the planks of his shat-

* I now consider reason and judgment merely as *abstract* qualities of the mind; in Chapter XXIV. I thought the occasion justified metaphorical language, and therefore personified them,

tered vessel, destroyed by a storm; he labours to get to a *particular spot*; his *will* is, therefore, powerfully directed to that object; but he is thrown by a wave, *without any exercise of his will, on another spot*; yet he is saved, and by means which, even had he been able *fully* to employ the faculties of his mind, during the whole time of the shipwreck (a supposition scarcely founded on probability), he could not have *foreseen*. Notwithstanding this wonderful combination of circumstances, which were evidently wholly unconnected with his *will*, he is a *responsible* being; he is preserved from the death which seemed to await him, though he has, perhaps, sustained great losses by the melancholy event alluded to. Is it not in his power to support himself with fortitude, and endeavour *to repair his losses*, or to give way to despair, and terminate his existence? Is it not in his power to enrich himself, should opportunities offer, by *honest, or by dishonest, means*? He could not escape the *calamity*, but may he not *act* under it as he thinks proper?

If a man were to lose his senses, or fall into a fainting fit, while the fire was consuming his house—and, perhaps, his children—his *will* would have no *power*; he would cease to be a responsible being; but on recovering his senses, would

it not be in the power of his will (after giving way to the feelings of nature) to devise some means of saving the other part of his family, *or* to let them starve?

The instances which I have given include the supposition of free will, *not* with respect to the events, but with respect to their consequences; human agency was under the influence of *fata- lity*—*but only for a certain time*. In some cases, the will seems to have *no power*, either over events, *or* their consequences; as when in endeavouring to escape from one evil, another is encountered;* but all those cases appear to be connected with principles and dispensations which elude our scrutiny; and they have, in reality, little relation to the *kind* of responsibility which is, generally speaking, and without supposing any *extraordi- nary accidents*, attached to human actions.

I introduced the instances abovementioned merely to enforce the principle, that no event which is not attended with death, *or* a deprivation of the power of volition, can, strictly speaking, place the individual connected with it under the immediate influence of *fata- lity*; consequently the

* As, suppose the individual mentioned in the first instance had, in attempting to save himself, been cast on some desolate place, and devoured by a wild beast.

argument at the beginning of this chapter is not justly founded. What we suppose, in common life, to be *fatality*, is often merely an effect of the will co-operating with some *motive*, to which *circumstances* may give rise; for instance, a man may be a merchant, though his *inclination* might lead him to be a soldier, and he may live retired, though his *inclination* may lead him to an active life; thus impelled, he may think himself under the influence of *fatality*, but the fact probably is, that he feels he is a *moral agent*, and acts according to *circumstances*.

The *principal* obligations of human life seem to have been considered in the same point of view by all nations, from the earliest ages; their general notions of good and evil seem also to have been nearly alike; and it is probable that a number of individuals, of various countries, religions, and occupations, in life (supposing them to possess discernment and to be *perfectly unbiassed*), would, though perhaps by different modes of reasoning, arrive nearly at the *same* conclusions, with respect to points intimately connected with their conduct and their happiness; they would all agree that their vices ought not to be indulged to the detriment or misery of their fellow-creatures; and though each indivi-

dual would of course be characterized by peculiar *qualities*, they would all maintain, that the bad ones ought at least to be held *in subjection* to the good.

Actions sometimes seem to be involved, like mathematical points, in what proceeds from them ; in themselves they are nothing ; hence the important question, *whether, if an end be rational and noble, it may not sometimes justify the means?* has arisen. In favour of the affirmative of this question, the case of Romulus might be urged as one of the most remarkable which occurs in history. There are strong grounds for supposing,* that he obtained the sole command by means which were cruel and illegal ; *i. e.* that he

* *I say strong grounds for supposing*, for it does not appear to be an *established fact*, that he connived at the death either of Remus or Titus Tatius ; if the former was *not* slain in a private contest with him, he *might* afterwards have been killed by some other person, without his order or connivance. The *presumptive evidence* against him, is however so strong, that it almost amounts to certainty ; this was also the case with respect to Titus Tatius ; we presume that he was jealous of him, and though he could not outrage the law of nations, by *breaking the treaty* with him, yet he probably wished to deprive him of his power ; his *pardon* of the murderers of his rival does not *prove* that he *was* concerned in the murder, because he might have been actuated by principles of clemency and humanity, yet it is a fact which prevents us from pronouncing that he *was not*.

connived at the death of his brother, and of Titus Tatius; yet when he might have been a tyrant, as bloody as that of Ceyton in modern times, he instituted a senate, and voluntarily submitted to those laws which he himself had made: he afterwards, it is true, abused his authority—but he had previously rendered great services to his countrymen, and it is a political question of some importance, whether the Romans could have enjoyed such advantages, had Remus and Titus been associated with him in the government? If they could *not*, then we are placed in a dilemma, with reference to the barbarous state of the Romans, and their subsequent greatness. Romulus does not appear to have been a tyrant, or to have had mere views of ambition; neither does it seem to be an established fact, as I have before implied, that he connived at the death of his colleagues: at all events he was the saviour of his country.

Though I have employed forcible language in favour of the affirmative of the question, whether the *end*, if it be rational and noble, may not sometimes justify the means? yet we must consider the danger of carrying this argument too far, and direct our attention towards an instance of a totally opposite kind.

Romulus was the saviour of his country—so

was David—and the latter was so universally beloved, that he might, by slaying Saul, have reigned in his stead; yet though Saul had been his most bitter adversary, and had even sought *his* life, he reprov'd the Amalekite who had delivered him from his oppressor,* for *he* trusted only in the God of his forefathers: and he obtained, while he was yet a young man, the throne of Saul. On which of those heroes are we compelled (without any reference to any particular religious *tenets*) to bestow the greatest degree of praise?

The case of Junius Brutus, the reputed *idiot*,

* Nay, he might several times have taken the life of his enemy *with impunity*, and delivered *himself* from oppression,—but as I have said in the chapter, he trusted only in the God of his forefathers. It may also be observed, that he respected the office of Saul, though it had been bestowed upon him with reluctance by Samuel.

The Jews believed that their judges were appointed by the Supreme Being; and when the kingly power was instituted in the person of Saul, they considered that office as sacred: the terms anointed and appointed are in reality synonymous; because the anointing with a particular kind of oil was a ceremony which always accompanied the appointment to any office deemed sacred: the word anointed was also applied to the prophets.

When Samuel anointed Saul, he said, “Is it not because the Lord hath anointed (or *appointed*) thee to be captain over *his* inheritance. Samuel Book i. ch. x.

is so remarkable, that it deserves particular notice: when he obliged some of his fellow-citizens to swear vengeance against the house of Tarquin, it may be doubted whether he was actuated by *any principle relating to himself*? It can scarcely be supposed that he could have foreseen the result of his effort, or his appointment to the consulship, while Tarquin was reigning in the height of his power. He appears to have been impelled by the love of justice and humanity: here indeed the *means* were *violent*, but it is a political question of equal importance with the former one, whether the Romans could have been delivered from the tyranny of the Tarquins, by any *other* means? He loved the commonwealth; and, for the sake of it, with an intrepidity scarcely human, condemned even his own sons—to death; the means in this case were indeed *dreadful*—nature sustains a shock on recurring to them—but they were employed to prevent the destruction of the state.

Had the *boy* Cato* slain Sylla, should we not be at a loss what judgment to pronounce on such an action?

That human instruments are sometimes employed by a superior power to effect great designs, is a principle supported by the testimony

* Cato the younger, who at the age of fourteen, asked for a sword to deliver his country from the tyranny of Sylla.

of ages ; that great evils often precede, and are, for some mysterious reasons, mingled with prosperous events, is also a principle which appears to be equally well established ; but they must both be acted upon with caution, otherwise crimes of the first magnitude might be committed with the plea of necessity, or divine inspiration.

It sometimes requires a considerable degree of wisdom to estimate our own views and motives ; much more difficult is it to discern those of others : therefore, if it be admitted that *bad means* may sometimes be employed to effect a *good end*, yet when we see the former, we may at least be allowed to *doubt* the existence of the latter.

I may now, perhaps, safely venture to lay it down as a general principle, that *supposing the will to possess any power*, a natural impulsion is rarely sufficiently powerful to produce crimes, unless assisted by a perverted judgment. There are few offences which are not, in some degree, palliated by those who commit them. Alexander endeavoured, probably, to justify, even to his own mind, the murder of Parmenio ;*

* We can more readily excuse the murder of Clytus than that of Parmenio, because the former had *aggravated* Alexander in a fit of intoxication, and was killed in a moment of passion ;

though, notwithstanding the apparent levity which accompanied him to the tomb, we cannot venture to assert, that he did not, *internally*, deplore his error ;* at least, he never could seriously have been brought to confess, in his conversations with

but the latter fell a victim to suspicion, and his attachment to Alexander appears to have been strong and sincere : we are sorry for Clytus, but we feel indignant at the manner in which Parmenio was treated ; particularly when we consider that his murder preceded that of Clytus ; consequently Alexander could not have been irritated by the recollection of the insult offered to him by that ill fated officer. We may perhaps attribute the conduct of Alexander, first, to the malignant advice of some of Parmenio's enemies ; secondly, to ambition, which perhaps led the conqueror almost of the world to dread the possibility of a rival more than the loss of a friend.

* Could that man who after having conquered the Persians, paid the utmost respect to their manners and customs, and in order not to wound the national pride of that opulent and numerous nation, even sometimes wore their dress ; could that man who scorned to avail himself even of the smallest advantage which he might have over the family of a conquered foe, and generally mingled clemency with justice, whether he appeared in the character of a sovereign or of a private man, could he be guilty of ingratitude without afterwards suffering severe pangs though for political reasons, he might not wish openly to avow them ?

So beloved was Alexander (notwithstanding the few traits of injustice which are discernible in his character) that at his death the Persians did not revolt. He had paid such respect to some countries that they even retained their governments.—He only wanted their friendship and alliance.

the philosophers of his age, that his *nature* impelled him to such an act. We may apply this mode of reasoning to other instances; and after mature consideration we shall probably be led to this general conclusion, viz. that though evils and imperfections must, for inscrutable reasons, be mingled, more or less, in all earthly things; and even in our own natures, the effects of them on our happiness, and our duties towards each other, ought as much as possible to be obviated. We all *love* virtue,* it is a sacred impression made on the heart of man at his creation, which can never be totally effaced; it is an *indestructible* principle, which will exist when all those *evils* and *imperfections*, that oppose its operations and manifestations will be no more. It is allied to piety, truth, philanthropy, an ardour for knowledge, a longing after perfection, and an admiration and full enjoyment, of the sublime and the beautiful in nature, science, or art.

* The primary meaning of the word *virtus* is well known. It signifies strength, fortitude, valour, and other similar qualities: the sense of the word was afterwards greatly extended, and became extremely abstract and refined. There is scarcely a word in the English language susceptible of so great a variety of definitions as the word virtue.

CHAP. XLVI.

OF PUNISHMENTS.

THE primary principle of the right of one who is not the aggressed party, to punish another, appears to be more intricate in an abstracted point of view, than any which is attached to governments; but it is easily explained: a number of individuals, entering into a contract with each other and with the sovereign power, bind themselves to certain laws, which protect the rights of each individual; now it is obvious, that the power which *protects*, must also be able to *punish* any invasion of those rights, otherwise no real security from violence could exist: if, for instance, one man could take the life of another, without the sentence of the law, what security would there be for his own? It would be false reasoning to say, that because it is a crime for a man to take his *own* life, that therefore he cannot devolve the right of taking it to any human being, without a breach of religious and moral laws; for the *one* is an act against nature and law—against nature, since

the very passion that impels becomes *destructive of itself*, which cannot be said even of the murder of another ; against law, because the customary forms of burial are denied ; but the *other* is, in reality, as much dictated by nature as by law, for private security, after political bodies are formed : by giving the law a power to take our life, should we take that of our neighbour, we offer him that security which we also wish to possess. By this compact between each man and his neighbour, and between all men and the law, the act of retaliation is performed without any reference to private feelings, and thus no motives of malice and vengeance can be ascribed even to the friends of the deceased ; the same may be said of *possessions* ; a man who by industry has amassed a little property of a few thousand pounds, would perhaps, in some cases, not survive the loss of it ; *theft*, therefore, may in this instance, be attended with the death of the individual, and is perhaps *deserving of death* ; but here again the *law*, not the *individual*, inflicts it ; the latter may forgive his *murderer*, but the former cannot, and yet the law knows nothing, perhaps, of either party ; herein consists another admirable equilibrium in a state, which balances public justice against the interests and the passions of individuals, when they militate

against the rights, possessions, or lives of each other.

Beccaria recommends perpetual slavery as a compensation for injuries; but this principle appears to be extremely fallacious.

It would be satisfactory, if the purposes of public justice could be answered without the infliction of *any* punishments; but as this cannot be the case, it is at least desirable that punishments should not militate against, instead of answering, those purposes.

A man condemned to perpetual slavery, and to toil like "a beast of burden," must, if a spark of the dignity of human nature remain in his bosom, feel indignation against his oppressors: he will be driven perhaps into a state of insanity, and at length urged to commit suicide: thus he adds crime to crime; he is rendered useless in this world, and subjected to some possible punishment in another. If he be rendered utterly depraved by a state so debased, we prevent the possibility of his ever being reclaimed; for a crime which might have been committed in a moment, we make him suffer perhaps during forty or fifty years; nature recoils at a punishment so disproportionate to the offence, at least human beings have no right to inflict it. It is a false argument to say, that he is *a perpetual*

*example; of what? seldom of contrition; an example of baseness, cunning, fraud, violence, and depravity.**

Lingering and cruel punishments rarely answer the purposes of justice: we will even admit that all intercourse with his fellow-creatures (except with those placed in the same situation), were denied to this wretched victim; yet of what real advantage could it be to mankind to keep alive a man who, because wholly deprived of every comfort of society,† probably neglects the cultivation of his faculties, and of every latent virtue within him?

Such a punishment can never have any really salutary effects on a mind in which there are any remains of sensibility and virtue.

On the above principles it may perhaps be questioned, whether death is not a military punishment preferable to flogging? though the existence of both are to be deplored, and the former ought rarely to be inflicted, and only in

* I am now evidently reasoning on principles which are applicable to all mankind; I am considering the nature and general consequences of punishments, without supposing any extraordinary circumstances.

† Religious austerities, which are voluntary and founded on some principle whether true or false in the individual, are here out of the question. I am still pursuing the same mode of reasoning which has been adopted throughout this Essay.

very particular cases. The man who has been flogged feels himself disgraced, and perhaps becomes a coward, from the idea that others suppose him to be so. He has no incentive to any thing great or good—he is lost to his friends and to his country—Death is a dreadful idea, but it is only connected with futurity in another world; a man, condemned to death, has only his peace to make with God—he is pitied, nay, perhaps, loved by his officers; he, *perhaps*, bewails his folly, and exhorts his companions. Here, indeed, example may have a good effect; and it is absurd to say, that the death of a fellow-creature has not a proper effect on the minds of men; by inflicting it only in very particular cases, it might have a powerful and lasting effect: in general, however, it appears that short imprisonments, in which some advantage is lost, but yet *may* by future industry and merit, be regained, or severe but equally short punishments, which bring to recollection, and are threatened again *in case* of a repetition of the offence, are more likely to answer the purposes of public justice than death. I further maintain, that if the crime be of a nature to preclude those lenient measures, a man ought himself to *demand* death at the hands of the law.

Beccaria must have been influenced by some

passion, prejudice, or private pique, when he proposed "chains, fetters, and iron cages" as the means of inculcating morality; but he has indeed expiated *his* offence, by a degree of candour which entitles him to forgiveness—His avowal is of so singular a kind, that it deserves to be here inserted, as a corroboration of the arguments which I have ventured to advance. He says, "in the former edition of this work, I myself fell into this error, when I said that the honest bankrupt should be kept in custody, as a pledge for his debts, or employed as a slave to work for his creditors. I am ashamed of having adopted so cruel an opinion; I have been accused of impiety—I did not deserve it; I have been accused of sedition—I deserved it as little, but I insulted all the rights of humanity, and was never reproached!"* (Chap. XXXIV. Of Bankrupts.) I leave my readers to make their own comments on the nature of the above avowal, and to decide whether Beccaria, though he has advanced some false principles, could have had any other object in view when he wrote, than the good of mankind, for the sake of which he humbled himself before thousands. If he were alive, we should not condemn *him* to chains, fetters, and iron cages; for

* Vide an edition with a commentary by Voltaire.

in giving liberty to the bankrupt, he has emancipated the slave—and himself.

Crimes, different in their nature, ought not to be confounded ; therefore the infliction of death for petty theft, appears to be reprehensible, because the commission of a greater theft may often take place, since the punishment is the same.

On the above principles, the laws of Draco, which indeed might well be written in blood, ought perhaps highly to be reprobated : he alleged, *that small crimes deserved death, and he had no other punishment for the greatest.* To what consequences, is such a mode of reasoning likely to lead us ? but I shudder at the picture which presents itself to my imagination, of a youth led by his imploring parents to the place of sacrifice, where Draco's laws condemn him to death, perhaps for some petty theft committed in the midst of hilarity among his companions. Reason contemplates the picture with indignation ; Humanity effaces it for ever.

CHAP. XLVII.

OF PARTIES.

THE legal rulers of a nation cannot be of any party; they are bound to promote the good and the happiness of all classes under their jurisdiction: by rewarding merit, they secure, without any insidious and unlawful measures, the allegiance of the most meritorious members of the community.

In a monarchy, parties are favourable to tyranny, because they render the people less able to resist, and even induce them, on false grounds, to yield to arbitrary measures, merely to thwart the opposite party: in republics, they tend to create useless divisions both in the senate and among the people.

A nation may be said to *cease to exist*, when it is divided into many associations, and that the politics of each association are different.

One of the greatest evils attached to a despotic form of government is, that it must ultimately give rise to parties or factions, which

generally destroy each other, after having established a worse system of tyranny than that which they have overthrown ; out of the ruin of parties, however, liberty, whose embers are ever lurking even in the most corrupt commonwealths, sometimes arises.

Parties being often individually played one against another, and thus individually weakened, are the bane of national honour and happiness ; they tend in reality only to subvert the power and freedom of the people, while they present a delusive appearance of independence and public spirit.

Parties have ever checked national reforms, and those changes in a government which might be attended with the most beneficial consequences : they are not founded on the merit or demerit of any person, or thing, but on blind partiality or furious animosity ; they are not animated by the principles of reason and truth, but are determined to oppose every thing, whether right or wrong, which their antagonists assert or defend.

The love and esteem of mankind must, to a greater or less degree, accompany sincere efforts for their happiness ; but an hour's reflection will enable every unprejudiced mind to make a difference between the *zeal* of a philanthropist, and the *fury* of a *mere* demagogue.

CHAP. XLVIII.

CONCLUSION.

I HAVE already observed, that a voluntary compact made between a people and their rulers, constitutes a government, and gives rise to the reciprocal duties of obedience and protection; now in order that the compact thus formed may be durable, it is necessary that the interests of the former should be so interwoven with those of the latter, that every measure which is derogatory to the one, should also militate against the other.

The commonwealth demands the unanimous support both of the people and their rulers, whose interests cannot be disunited without a subversion of the principles on which every legal government is founded: but if it is desirable that concord should exist between the parties engaged in the compact abovementioned, it is also proper that amity should be established among themselves; because divisions, jealousies, contests, and animosities, either on one side or the other,

tend to frustrate those measures which might be taken for the good of the community ; they also create useless and tedious debates among the higher, and discontent among the lower, classes of society. The obligations of obedience and protection are necessarily attached to all forms of government ; and in order to prevent slavery on the one hand, and tyranny on the other, the protection afforded must be as impartial as the obedience is general.

When allegiance fails in the one, responsibility of course ceases in the other ; and vice versa when responsibility fails in the one, allegiance must necessarily be at an end in the other, since it is only promised on certain conditions.

The national character ought to be as uniform as possible, in order that both the people and their rulers might be the more unanimous in the support of their common rights.

On the above principles, **UNANIMITY** may perhaps not improperly be called the soul of a state ; it gives energy and strength to every part of the commonwealth, fosters virtue, and favours the full exertion of the rational and intellectual powers of man.

THE END.

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